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Dear Member:

The research staff will again provide weekly summary reports of bills on the House Perfection Calendar. The summaries will be distributed to members, lobbyists and the press each Monday morning and will contain information on bills as they are added to the Perfection Calendar.

Each week's summaries include only the latest additions to the calendar -- not the complete list. Therefore, they should be added to the file rather than discarded at the end of each week.

If you have any questions, please contact me at 751-2979.

Sandra Fuhrman
Research Director

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HOUSE PERFECTION CALENDAR

Week of January 16, 1978

HOUSE BILLS FOR PERFECTION

HB 900 - pg. 1

HB 901 - pg. 2

HB 1306 - pg. 3

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HB 900, HCA 1 -- Parent-Child Early Education Programs

Sponsor: Shear

Committee Action: Reported from the Education Committee on a 14-0 vote, with two members voting present.

This bill would provide for a parent-child early education program for children between the ages of three and five. Each district or special district would be entitled to state appropriations for this purpose but such appropriations would not exceed fifty dollars per eligible child enrolled in an "approved public school parent-child early education program". These funds are not to be used for the establishment or support of day-care services or centers.

Fiscal Note: A fiscal note of \$600,000 for FY 1978-79 and \$700,000 for FY 1979-80 is attached to bill.

Proponents: Supporters of the bill say that it is "cost effective" in that it would permit earlier detection of either the presence or absence of learning disabilities which will benefit both the child educationally and the educational system financially. It is also stressed that the program would work parental involvement into problematic situations.

Testifying for the bill were the Ferguson School District, St. Louis School District, Kansas City School District, Missouri State Teachers Association, Missouri Association for Children with Learning Disabilities, Governor's Office, and Missouri National Education Association.

Opponents: No testimony was offered in opposition to the bill, however questions were raised regarding the state's financial obligation should the program be adopted wholesale throughout the state by the numerous school district.

HB 901 -- Early Childhood Education and
Development Services

Sponsor: Shear

Committee Action: Reported from the Education
Committee on a 15-3 vote.

(This bill establishes a comprehensive early childhood education and child development program. A sample of "services" would include screening, diagnosing, and testing to determine a child's learning disabilities if any. The State Department of Elementary and Secondary Education would have the authority to promulgate the necessary rules, and the commissioner of education would employ the necessary staff.

Fiscal Note: A fiscal note of \$29,348 for FY 1978-79 and \$33,387 for FY 1979-80 is attached for the administration of this program.

(Proponents: Supporters say that in order to avoid "fragmentation and duplication of effort" concerning HB 900 (Parent-Child Early Education Programs), coordination and administration are as important as the program provided in HB 900. The Department of Elementary and Secondary Education is viewed as the best qualified and most efficient coordinating body for this program.

Testifying for the bill were the Governor's Conference on Education, Missouri State Teachers Association, Missouri Association for Children with Learning Disabilities, and Missouri National Education Association.

(Opponents: No testimony was offered to the committee in opposition to the bill.

HB 1306 -- Extend St. Louis Airport Authority

Sponsor: Schlef
Committee Action: Reported from the Labor
Committee on an 13-0 vote.

This bill extends authorization for the Missouri-
St. Louis Metropolitan Airport Authority through
December 31, 1980.

Fiscal Note: A fiscal note of \$520,481 for
FY 1978-79 and \$551,710 for FY 1979-80 from
general revenue is attached to bill.

Proponents: The Airport Authority was instru-
mental in keeping Lambert Field located in
St. Louis, Missouri. Continued authority
and funding will allow completion of certain
projects that will insure the airport stays
in Missouri.

Testifying for the bill were Representative
Schlef and Henry Elmendorf, chairman of the
Airport Authority.

Opponents: No opposition was presented to the
committee.

HCS, HBs 939 and 1350 -- Powers of Committee
on Administrative Rules

Sponsor: DeCoster

Committee Action: Reported from the House
Committee on Administrative Rules on a
4-0 vote.

This committee substitute would give the joint committee on Administrative Rules the power to suspend any advisory opinion, policy statement, interpretation of law, rule or any other communication issued by an administrative agency pending action by the General Assembly. New legislative authority would be required before an agency could promulgate a suspended and revoked rule again.

Proponents: Supporters say the legislature needs additional authority to control regulatory agencies.

Testifying for the bill were Representatives Baker and Kenton, and the State Highway Department.

Opponents: Those who oppose the bill say the bill would hamper the efforts of regulatory agencies by causing undue delay. The Highway Department also expressed concern that all communications with field workers would have to be reduced to writing, resulting in excessive paperwork. Testifying against the bill was the Governor's office.

HB 1154 -- Land For a Cerebral Palsy Center

Sponsor: DeField

Committee Action: Reported from the Public Health and Safety Committee on a 11-0 vote, with four members voting present.

This bill would authorize the governor to convey an acre of land from the Missouri State School at Sikeston to the Scott-New Madrid-Mississippi Counties Cerebral Palsy Affili~~ate~~ to use for a cerebral palsy center.

Proponents: Supporters say the land will be used to establish an educational facility for persons afflicted with cerebral palsy. It will be operated privately by a non-profit corporation.

Testifying for the bill was Representative Fred DeField.

Opponents: No opposition was voiced to the committee.

HB 1218 -- General Revenue Fund

Sponsor: Nilges, et al

Committee Action: Reported from the Fiscal
Affairs Committee on a 7-0 vote.

This bill creates a general revenue fund, federal grant program fund, and an institutions gift trust fund. The general revenue fund was previously only referred to in the Statutes. Agencies will be required to put only moneys received from the Federal Government as grants in their Federal Grant Program fund. Medicare and Medical Supply payments should go into and be appropriated from the general revenue fund.

It creates a fund for agencies that do not have a fund to transmit gifts, bequests and donations. Money will be appropriated from that fund for the purposes for which the gift, bequest, or donation was intended.

A similar bill was vetoed last session by the Governor. Section 4 has been revised in a manner acceptable to the executive branch.

Proponents: Supporters say the bill is a vehicle to maintain state records and review federal funding programs. Testifying for the bill were the office of the State Treasurer and the office of Administration.

Opponents: No opposition was voiced to the committee.

HOUSE PERFECTION CALENDAR

Week of January 23, 1978

HOUSE BILLS FOR PERFECTION

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INFORMAL CALENDAR

HB 901 - (pg. 2)

Prepared by House Research Staff
Kenneth J. Rothman, Speaker

HB 891 -- Loan Guarantee for Postsecondary
Students

Sponsor: Goode

Committee Action: Reported from the Education Committee on a 18-0 vote, with 2 members voting present.

The bill establishes a "State Guaranty Student Loan Fund" which will assume, from the federal government, the responsibility upon the state of Missouri to serve as a loan guarantor for eligible students in the postsecondary educational system. The bill also repeals and/or enacts administrative guidelines for the program with broad authority given to the Coordinating Board for Higher Education for the promulgation of the necessary policies, rules, and regulations pursuant to the implementation of the program.

Fiscal Note: A fiscal note of \$127,151 for FY 1978-79 and \$150,336 for FY 1979-80 is attached to bill. After FY 1979-80, the program would be self-supporting.

Proponents: Those supporting the bill assert that the federal government is withdrawing from the Federally Insured Student Loan Program. It therefore becomes incumbent upon the state of Missouri to assume this responsibility or the federal government will designate "another state's guarantee agency or a private non-profit corporation" to provide this service. By following the examples of several states which now have very effective guaranty loan programs, the Coordinating Board for Higher Education is self-assured that Missouri can have a guaranty loan program that both meets the needs of eligible students and holds the default rate to an acceptable minimum.

Testifying for the bill were the Governor's Office, Missouri Department of Higher Education, Missouri Association of Community and Junior Colleges, University of Missouri Financial Aids Department (all campuses), Missouri Association of Student Financial Aid Personnel, Associated Students of the University of Missouri.

Opponents: The opposition to the bill said that it is discriminatory. The bill is structured primarily for students from middle income families and would not benefit students in proprietary or vocational schools. It was also asserted that banks would not cooperate and participate in the program because the interest rates are too low and payback periods too long to attract bank participation.
Testifying against the bill was the Missouri Association of Private Career Schools.

HB 893, HCA 1 -- Exempt Prescription Drugs
From Sales Tax

Sponsor: Feigenbaum

Committee Action: Reported from the Revenue
and Economics Committee on a 12-0 vote.

This bill would exempt from the sales tax the sales of insulin, prosthetic devices and prescription drugs.

Fiscal Note: The fiscal note shows the loss in sales tax receipts for the fiscal year 1979-80 to be \$3,910,505.

Proponents: Supporters say this bill will eliminate a tax on illness. It would remove a regressive feature of the tax system and have a positive impact on senior citizens and others on a fixed income. They say increased tax revenues will absorb this cut in sales tax receipts. No new taxes will be necessary.

Testifying for the bill were Governor Teasdale, St. Louis Mayor's Office, Missouri Catholic Conference, Missouri Pharmaceutical Association, ACORN, and the Legal Aid Society of St. Louis.

Opponents: No opposition was voiced to the committee.

HB 884 -- Loans to Medical and Osteopathic
Students

Sponsors: Griffin, Sharpe, Hill, Rothman and Holt

Committee Action: Reported from the Public Health and Safety Committee on a 9-0 vote, with 6 members voting present.

This bill would allow the State Board of Health to administer loans, not in excess of \$6,000 per year, to medical and osteopathic students. The program would begin with 25 loans in the first year up to a maximum of 100 and would require that one-half of the loans be made to students from rural areas. Interest would be set at 9½% per year, but ¼ of the interest and principal would be forgiven for each year the recipient practices in a rural area or an urban area of defined need. Repayment could be deferred for a maximum of three years while the recipient is pursuing an internship or residency in general or family practice. The board would establish schedules and procedures for repayment.

Fiscal Note: A fiscal note of \$150,000 is attached to bill.

Proponents: Supporters say the loan program will provide incentive for medical and osteopathic students to practice in rural and inner city areas of need. If the recipients practice four years in a needy area in order to have their loans forgiven, they may then stay there in permanent practice. Twenty-six states have already adopted a loan program with generally successful results. Other available loan programs, e.g. public health, military, usually take students out of the state. This program is for Missouri residents to practice in Missouri.

Testifying for the bill were Representative Griffin; Kathy White, an osteopathic student; Missouri Osteopathic Association; Missouri State Medical Association; Missouri Farm Bureau Federation; and the State Health Planning and Development Agency.

Opponents: No opposition was voiced to the committee.

HB 889 -- Utility Rates

Sponsor: Riley

Committee Action: Reported from the Consumer Protection Committee on an 11-4 vote, with 1 member voting present.

This bill provides that the PSC in setting rates for gas, electric, water, and sewer service is not prohibited from considering the essential needs of customers and the future assurance of safe, adequate, and reasonably priced services.

Proponents: Supporters say that present law could be interpreted as restricting the PSC to consideration of cost of service in setting rates. This bill will give the PSC explicit authority to consider other factors, such as essential needs. Testifying for the bill was the Public Service Commission.

Opponents: Those who oppose the bill say that cost of service should be the only factor considered in setting rates. Other factors, such as the age or income of a customer, unfairly shift the burden of paying for utility services to other customers. Testifying against the bill was the St. Louis County Water Company.

HB 1260, HCA 1,2,3,4 -- Workmen's Compensation

Sponsor: Barry

Committee Action: Reported from the House
Workmen's Compensation Committee on a 5-0
vote, with one member voting present.

The bill extends workmen's compensation coverage to all employees except those working for employers of farm, domestic or occasional labor performed for a private household for less than \$2,500 per year. Another section allows the employee rather than the employer to select a physician, and also allows the Labor and Industrial Relations Commission to order the selection of a more competent physician if necessary.

The bill 1) increases the maximum weekly benefit for temporary total, temporary partial and total disability, and the maximum death benefit to \$115; 2) increases the permanent partial disability maximum to \$90 per week; and 3) increases the physical rehabilitation amount to \$35 per week.

HCA 1 -- Changes the bills coverage of all employers with one or more employees to all employers with four or more employees.

HCA 2 -- Returns to the current statutory language which allows the employer to select the physician instead of the employee.

HCA 3 -- Decreases the maximum weekly benefit for permanent partial disability from \$90 in the bill to \$83.

HCA 4 -- Sets the maximum for lifetime death benefit payments to the dependents of a deceased worker at \$75,000.

Fiscal Note: A fiscal note of \$20,993 for FY 1978-79 and \$23,498 for FY 1979-80 is attached to bill.

Proponents: Supporters say increases are needed to keep pace with inflation. Representative Zych offered amendments to increase all maximums except rehabilitation benefits to \$120, and to allow inspection of injury locations.

Testifying for the bill were Representatives Barry and Zych.

Opponents: Those who oppose the bill say the employer should select the physician and there should be no increase in the permanent partial maximum since any increase would boost insurance costs excessively. Opponents also said no increases were necessary and that a cap on death benefits would save insurance costs. In no case would opponents accept on-site inspection by claimants.

Testifying against the bill were Associated Industries and the Missouri Chamber of Commerce.

Sponsor: Holt
Committee Action: Reported from the Consumer
Protection Committee on a 15-0 vote.

This bill specifies the conditions under which a pharmacist is allowed to substitute a drug product for a drug product prescribed by its brand name. Those conditions are:

- 1) the prescribing physician indicates that substitution is permitted;
- 2) the substituted drug is identical to the prescribed drug in ingredients, strength, quantity and dosage form, is of the same generic drug type as determined by the FDA, and is not on a list of prohibited substitutions issued by the Department of Consumer Affairs and based on joint determination by the Division of Health, the State Board of Registration for the Healing Arts, and the State Board of Pharmacy;
- 3) the substituted drug costs the patient less; and
- 4) the patient does not object to the substitution.

The bill also mandates a prescription form by means of which a physician will indicate whether substitution is permitted and requires that the name of the manufacturer or distributor of a drug be made available to the prescriber upon request.

Proponents: Supporters say that the bill will save money for consumers and for the government, which pays many medical bills. At the same time it preserves freedom of choice for doctor, patient, and pharmacist, and protects the patient from improper substitutions.

Testifying for the bill were the Mo. Foundation for Pharmaceutical Care, Silver Haired Legislature, Dept. of Consumer Affairs, Mo. Retailers Assn., Mo. Public Interest Research Group, Older Adult Community Action Program, and Mo. Medical Assn.

Opponents: No testimony in opposition to the
bill.

HB 1075, HCA 1 -- Lay Membership on Professional Boards

Sponsor: Brady

Committee Action: Reported from the Consumer Protection Committee on a 9-1 vote, with 2 members voting present.

The bill adds a public member to each of the various boards, councils, and commissions which license various professionals. The boards are all part of the Division of Professional Registration in the Department of CARL. Public members are to be appointed in the same manner as the professional members of the boards: by the governor from a list of nominees furnished by the director of CARL. A public member cannot be a member of or married to a member of the profession licensed by the board he or she is appointed to. A public member cannot have any material or financial interest in the profession.

Fiscal Note: A fiscal note of \$31,559 for FY 1979 and \$37, 101 for FY 1980 is attached to bill.

Proponents: Supporters say that public membership on professional boards will increase the responsiveness of those boards to the needs and interests of the general public. Testifying for the bill was the Department of Consumer Affairs, Regulation, and Licensing.

Opponents: Those who oppose the bill say that a lay person cannot be sufficiently knowledgeable in technical matters to take an informed position on issues that come before the boards.

Testifying against the bill was the Missouri Osteopathic Association.

HB 1057 -- Appeals to the State Banking Board

Sponsor: Randall

Committee Action: Reported from the Banks
and Financial Institutions Committee on a
10-1 vote.

This bill would increase from sixty days to ninety days the time in which the state banking board must render its decision on an appeal. The board or the chairman of the board may delegate investigations and the hearing of appeals to a member of the board or a hearing officer.

Proponents: Supporters say recent appellate cases have resulted in an increase in the activity of the Banking Board. The Banking Board is required to hold two hearings on each case. The sixty day time limitation has created an undue burden on all of the parties to the proceeding. The use of a hearing officer will make the appeal process more efficient. The board does not have to use a hearing officer unless an increased case load, as well as a shortness of time, necessitate his use. Testifying for the bill was the Missouri Bankers Association.

Opponents: No opposition was voiced to the committee.

HB 1048 - Highway Patrol Uniform Bill

Sponsor: Randall

Committee Action: Reported from the Fees
and Salaries Committee on a 11-0 vote,
with one member voting present.

The bill removes the \$25 limit on the monthly allowance for uniforms for Highway Patrol members and sets no new limit. The funds will be appropriated by the State Legislature.

Fiscal Note: The fiscal note points out that the Patrol Superintendent projects a \$15 a month increase for each member. There is an anticipated increase in FY 1979-80 of \$144,000. \$14,400 would come from general revenue and \$129,600 from State Highway Department Funds.

Proponents: Supporters say they are very proud of present Missouri Highway Patrol uniforms and would like to see the quality remain high. They feel funding of the uniforms will be kept in check by the appropriations process.

Testifying for the bill was Al Lukker, Superintendent of the Missouri Highway Patrol.

Opponents: No opposition was voiced to the committee.

HB 1052 - Prosecuting Attorney's Fees

Sponsor: Randall

Committee Action: Reported from the Fees
and Salaries Committee on a 11-0 vote,
with one member voting present.

The bill raises prosecuting attorney's fees
for all duties the law requires of him. Most
fees are specified. One section deals with
fees solely connected with the duties of es-
tates.

Proponents: Supporters say fees have not
been raised since 1891.

Testifying for the bill were the Prose-
cuting Attorneys of Buchanan and Clay
counties and the Probate Judge of Buchanan
county.

Opponents: No opposition was voiced to the
committee.

HB 1170 -- Regulation of Auctioneers

Sponsors: Russell (6th) and Binger
Committee Action: Reported from the License
and Related Matters Committee on a 6-0 vote.

The bill exempts auctioneers from the definition of itinerant vendors and revises licensing provisions for auctioneers. The bill revises license fee schedules, repeals the auction duty (enacted before the existence of sales tax), and permits reciprocal licensing of out of state auctioneers.

Proponents: Supporters say that the bill is needed to prevent possible double licensing (once as auctioneers, once as itinerant vendors) and double taxation (auction duty and sales tax). The bill would also streamline licensing by providing for a one year maximum license term rather than the current six months.

Testifying for the bill was the Missouri Auctioneer's Association.

Opponents: No opposition was voiced to the committee.

HB 1036 -- Private Operation of County Nursing
Homes

Sponsor: Sharpe

Committee Action: Reported from the Public
Health and Safety Committee on a 9-0 vote,
with 6 members voting present.

This bill would allow counties to lease or
rent nursing home facilities to any private
person, firm or corporation in addition to
nonprofit organizations for the purpose of
operation.

Proponents: Supporters say there are pres-
ently 10 county nursing homes in the state
which are operated successfully under pri-
vate management. This bill would legalize
their operation.
Testifying for the bill were Representative
Sharpe and the State Division of Health.

Opponents: No opposition was voiced to the
committee.

HB 977 -- Closing Hours for "Liquor by the
Drink" Establishments

Sponsors: Blassie and Fazzino

Committee Action: Reported from the Local
Government and Related Matters Committee
on a 8-0 vote.

Amending Chapter 311, RSMo, this bill would extend the closing hours for certain establishments selling intoxicating liquor "by the drink" in certain "trade areas" of certain cities. Provisions and fees are conditionally established upon whether the establishment procures a "3:00 o'clock" or a "4:00 o'clock" permit. The adoption of this legislation on the local level is conditioned to its acceptance by local city ordinance.

Proponents: Supporters say millions of dollars have been spent in Missouri developing or building major convention centers. Presently, with the 1:30 o'clock a.m. closing time, it is possible to have only two live music shows in a dining and/or nightclub establishment. In face of the new overhead, it is impossible to make this an economically profitable venture. Extending the hours as proposed in this bill would allow for three shows which would in turn make it remunerative to such an establishment located in the "trade area".
Testifying for the bill was the City Council of Kansas City, Missouri.

Opponents: The opponent of the bill said that the present laws are liberal enough. It was asserted that accident rates are directly tied to the drinking driver and any extension of the hours of the availability of "liquor by the drink" should be considered in relation to this correlation.
Testifying against the bill was the Missouri Baptist Convention.

HB 999, HCA 1 -- Missouri Minimum Wage

Sponsor: Schlef

Committee Action: Reported from the Labor
Committee on a 12-1 vote.

This bill sets the minimum wage in Missouri at \$2.65 in 1978, \$2.90 in 1979, \$3.10 in 1980, and \$3.35 after Dec. 31, 1980. In certain instances, the bill allows the director of the Department of Labor and Industrial Relations to exempt learners, apprentices and the physically handicapped. The work week is set at 40 hours, and time-and-a-half wages are required for overtime. Employers with fewer than six employees are exempt.

HCA 1 -- Exempts railroad employees from the act.

Fiscal Note: A fiscal note of \$47,499 for FY 1978-79 and \$54,053 for FY 1979-80 is attached to bill.

Proponents: Supporters say the bill would force employees to pay at least a "living wage". Among heads of households, 30% of the women and 9% of the men are now paid below the poverty level.

Testifying for the bill were Representative Schlef; American Federation of State, County, and Municipal Employees, Council No. 72; Missouri State Labor Council; Department of Labor and Industrial Relations; and the Associated Students of the University of Missouri.

Opponents: Those who oppose the bill say it would hurt students and retired persons by forcing employers to hire adults whose work is more nearly worth the minimum wage.

Testifying against the bill were Representative Robb and the Missouri Chamber of Commerce.

HB 1231, HCA 1,2 -- Unemployment Benefits

Sponsor: Fowler

Committee Action: Reported from the House Workmen's Compensation Committee on a 5-0 vote, with 1 member voting present.

This bill increases the maximum weekly benefit amount under unemployment compensation from \$85 to \$105, and requires that all claims be filed in person by the claimant.

HCA 1 -- Corrects a typographical error which appears in 288.038 by changing four references to "April 28, 1975" to "December 1, 1978".

HCA 2 -- Changes the requirement that claimants file in person to a requirement that they do so only once every fourth week.

Fiscal Note: A fiscal note of \$27,858,159 for FY 1978-79 and \$33,188,470 for FY 1979-80, with no cost to the general revenue fund.

Proponents: Supporters say the bill compensates for increases in the cost of living, and prevents disruption of family life during periods of unemployment.

Testifying for the bill were Representative Fowler, Department of Labor and Industrial Relations, Missouri Council of Carpenters, Missouri State Labor Council, and AFL-CIO.

Opponents: Those who oppose the bill say increased insurance costs will drive small retailers out of business, causing increased unemployment and depletion of the unemployment compensation fund.

Testifying against the bill were the Missouri Chamber of Commerce and Associated Industries.

HB 978 -- Liquor Control Law and Temporary Permits

Sponsors: Blassie and Fazzino
Committee Action: Reported from the Local Government and Related Matters Committee on a 8-0 vote.

This bill makes provisions for the issuance of temporary permits to caterers of special events, functions, or occasions for the service of intoxicating liquor by the drink. A fee schedule is set and a permit duration period is established. The selling of "packaged liquor" under this temporary permit is prohibited by amendment.

Proponents: Supporters of the bill say that what the bill encompasses is, in part, being presently accomplished by circumvention. Passage of the bill would lend clear legitimacy to present practices. It would also enable the private licensee to bid for food and cocktail services to convention centers. Finally, it would allow for cleaner housekeeping through the director of liquor control.

Testifying for the bill was the City Council of Kansas City, Missouri.

Opponents: No opposition was voiced to the bill in the committee.

HOUSE PERFECTION CALENDAR

Week of January 30, 1978

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INFORMAL CALENDAR

HB 889 - pg. 12

Prepared by House Research Staff
Kenneth J. Rothman, Speaker

HB 882, HCA 1 -- Define Governmental Bodies and
Records

Committee: Judiciary

Summary will be printed in an upcoming supplement.

HCS HBs 883, 1321, 1342, and 1557

Foreign Ownership of Missouri Agriculture Land

Sponsor: Osbourn

Committee Action: Reported from the Agriculture Committee on a 25-0 vote, with one member voting present.

This bill would prohibit aliens from acquiring Missouri agricultural land. In addition, resident aliens, foreign governments and foreign businesses which could acquire land under this bill would have to register their acquisition within sixty days with the Director of the Department of Agriculture. If there was an improper acquisition or registration, the attorney general, at the request of the Director of the Department of Agriculture, would force a sale of the violators' agricultural land. The proceeds of such sale are to go to the school incidental fund of the county in which the land is located, less expenses.

All aliens, resident aliens, foreign businesses and foreign governments now holding Missouri agriculture land would be required to register their holdings with the Director of the Department of Agriculture.

Any alien, foreign business or foreign government which inherits Missouri agriculture land would have three years in which to divest itself of title.

Proponents: Supporters point out that according to federal treaty restrictions a state may only attempt to restrict foreign ownership of agriculture and mining lands. This bill would protect Missouri's farm heritage and prevent the state's most basic natural resource from being controlled by foreign interests. The bill would not prohibit the legitimate immigrant from starting a new life in this country. The family farm corporation act would impose restrictions on foreign

businesses and foreign governments owning Missouri agricultural lands. At hearings held in Jefferson City and at four locations through the state, numerous people expressed their concern about foreign ownership of Missouri lands. Testifying for the bill were the Missouri Farmers Association, Farm Bureau, Missouri Department of Agriculture, American Agricultural Movement, and numerous state representatives.

Opponents: The opponents of the bills thought such a restriction would destroy competition for land and cause the price of land to fall. The bill could result in imposing restrictions on United States citizens doing business in foreign countries. Testifying against the bill were Oppenheimer Industries, Marvin Duncan, Othello Evans, Dexter Davis, and the Missouri Association of Retailers.

and the chief of the University City
Police Department.

Opponents: No one testified in opposition
to the bill, however several questions
were raised over whether the bill would
cause the state to become an insurer against
some harms but not others, and whether the
amounts specified in the fiscal note were
adequate to cover the cost of the program.

Richard Waters, Research Analyst

HB 902, HCA 1,2,3,4,5,6,7 -- Compensation
for Victims of Crimes

Sponsors: Shear, Rothman, Holt, Griffin,
Benson and Doll

Committee Action: Reported from the Civil
and Criminal Justice Committee on a 6-4
vote, with one member voting present.

This bill would compensate an individual for
uninsured medical bills and lost wages as the
result of being an innocent victim of crime.
It would also extend compensation to depend-
ents of a deceased victim and persons who
incur pecuniary loss as a result of injury or
death of the victim. The Labor and Industrial
Commission would administer the program. The
Commission could deny any claim or make an
award of any amount up to and including
\$10,000. After payment of any award, the
Commission is subrogated to the rights the
victim has against the person causing the
harm.

Fiscal Note: A fiscal note of \$503,631 for
FY 1978-79 and \$673,085 for FY 1979-80 is
attached.

Proponents: Supporters say the state has a
moral and legal obligation to protect its
citizens and to provide equal treatment
for both the victim and the offender.
After being accused, the offender is pro-
vided with legal counsel, rehabilitation
and maintenance at the expense of the
state. The victim, on the other hand,
must pay his own expenses, which possibly
include large medical bills and lost wages
not covered by private insurance.
Testifying for the bill were Representative
Shear and Representative Banton, Governor
Teasdale, Victimization Commission, Women's
Crusade Against Crime, Victim Service
Council, National Council of Jewish Women,
Labor and Industrial Relations Commission

HCS HB 896 and 897 -- Escheat of Unclaimed
Property

Sponsor: Rollins

Committee Action: Reported from the Banks
and Financial Institutions Committee on
a 16-0 vote.

This bill would require every national and state bank or trust, credit union, and savings and loan association to report to the division of finance all deposits, except those held in a fiduciary capacity, dividends declared and interest accrued which has remained unclaimed for a period of **seven** years. This report would be required every seventh year, beginning in September, 1978. The company must report if it holds no such deposits. Every company reporting unclaimed deposits must publish public notice of the report, and shall mail to the last known address of every person authorized to receive an unclaimed deposit a statement warning that acknowledgement is necessary or the funds in the account will escheat to the state. If acknowledgement is not received within 180 days, the account shall escheat to the state and be deposited in the "Abandoned Property Fund". The state treasurer shall mail a notice to the last known address of the owner that the account has escheated to the state. This bill provides that any amount exceeding \$500,000 in the "Abandoned Property Fund" shall be transferred to the general funds of the state. Claims allowed or refunds ordered under the provisions of this act will be paid out of the "Abandoned Property Fund".

Any claims in excess of \$500,000 will be met by transferring appropriated funds from the general funds of the state. This bill would provide a period of 21 years after the money has been paid to the state for claims of ownership of the money to be filed in court.

Proponents: Supporters say that 43 other states have some form of escheats to the state. Unclaimed funds should be working for the people of Missouri rather than the company that happens to hold them. The seven year inactive period is sufficient since a person may be declared legally dead within that time.
Testifying for the bill were the Office of Governor and the Office of the State Treasurer.

Opponents: Those who oppose the bill say the reporting period is too short, a 15 year period would be better. Without a \$50 limit on deposits to be reported, the burden would be unreasonable. The claims procedure could well eat up several hundred dollars since a suit must be filed. The MBA says it opposes all escheats bills because of the displacement involved.
Testifying against the bill were the Missouri Bankers Association and the Missouri Savings and Loan League.

HB 934 -- Mine Reclamation

Sponsor: Holt

Committee Action: Reported from the Mines and Minings Committee on a 6-1 vote.

This bill provides for reclamation standards for strip mining in compliance with federal regulations. These standards include restoration of land to equivalent or better condition for its original use prior to mining, restoration of approximate original contours of the land, special treatment of topsoil, minimal disturbance of surface and ground water systems, compliance with federal regulations on wastes, prudent use of explosives, and establishment of a permanent vegetative cover. Special provisions are also made for steep-slope mining. The bill also specifies procedures for granting a variance to the above regulations in the case when the land is to be made suitable for other uses such as recreational facilities.

Fiscal Note:

	<u>FY 1978-79</u>	<u>FY 1979-80</u>
Total Cost:	62,482	66,769
Source:		
Land Reclamation & Conservation Funds:	12,496	13,354
Federal Funds:	49,986	53,415

Proponents: Supporters say that unless this bill is passed, Missouri will not be eligible to administer the program and receive 50% of the federal severance tax which will be levied on mines in Missouri. If the bill is not passed the federal government will assume complete control of the program. Testifying for the bill were the Missouri Mining Industries Council, Peabody Coal, Phillips Petroleum, Friends of the Earth, Mid-Continent Farmers, Department of Natural Resources, and the Department of Conservation.

Opponents: Those who oppose the bill say that
none testified although there was resentment
expressed over the federal government impos-
ing its requirements on the state.

Bob Wedow, Research Analyst

HB 1097 -- Information Submitted by Department Heads to the Office of Administration

Sponsor: Goode

Committee Action: Reported from the Appropriations Committee on a

The bill requires the head of each department in the executive, legislative and judicial branches of government to submit to the commissioner of Administration an organizational chart of the department. The chart must be completed on or before October 1 of each year and must contain information regarding operation, programs, projects, etc. and the number of employees authorized in the latest appropriation for each division, program and activity of the department.

Proponents: Supporters say information in the organizational charts would provide more accountability and would assist the appropriations committees of both houses in budget decisions.

Testifying for the bill was Representative Goode.

Opponents: There was no opposition voiced against the bill in committee.

Sandra Fuhrman, Research Coordinator

HB 1242 -- Taxation of Savings and Loans

Sponsor: Copeland

Committee Action: Reported from the Banks and Financial Institutions Committee on a 16-0 vote.

This bill would change the method of taxing a savings and loan association for the privilege of exercising its corporate franchise. The current 2% tax on taxable earnings paid or credited to each account by the association is replaced by a 7% tax on the net income of the association. All taxes collected by the director of revenue under this bill will be returned to the treasurer of the county in which the taxpaying association is located, less 2% which will be retained by the state for collection. This results in a revenue loss to the state. A formula for a three year implementation of this act is provided.

Fiscal Note: Estimated decrease in the General Revenue Fund is as follows: FY 1980-81, \$35,940; FY 1981-82, \$121,260 and; FY 1982-83, \$193,000.

Proponents: Supporters say this bill would tax savings and loan associations on the same basis as banks. They say current law causes savings and loans to pay an effective tax rate twice that of banks.

Testifying for the bill were the Missouri Savings and Loan League and the Missouri Credit Union League.

Opponents: There was no opposition voiced to the committee.

HB 1126, HCA 1,2 -- Joint Municipal Utility
Commission Act

Sponsor: Riley

Committee Action: Reported from the Consumer
Protection Committee on a 19-1 vote.

This act provides detailed statutory framework for the establishment of joint municipal utility commissions. Such commissions may be formed by joint contract among municipalities and other political subdivisions. They are to finance their utility projects by voter-approved issue of bonds. The retail utility services they offer are to be offered primarily within the boundaries of the cooperating municipalities. The joint commissions are to be fully regulated by the Public Service Commission. This act will become effective only upon voter approval of the constitutional amendment proposed by HJR 21 (First Session).

Proponents: Supporters say that the potential savings from the economy of scale made possible by pooling is very great. Cooperating municipalities will be able to finance and support utility projects that individual municipalities cannot possibly afford. Testifying for the bill were the Commission for Municipal Pooling Services, Missouri Association of Municipal Utilities, and the Association of Missouri Electric Cooperatives.

Opponents: Those who oppose the bill say that it gives joint municipal utilities an unfair advantage over investor-owned utilities by not clearly subjecting the former to PSC regulation and by granting tax-exempt status to all their energy production activities. Testifying against the bill was the Union Electric Company.

Darrell Jackson, Research Analyst

HB 1186 -- Granting of Postsecondary Education Degrees

Sponsors: Youngdahl and Doll

Committee Action: Reported from the Education Committee on a 21-0 vote.

This act would invest the Coordinating Board for Higher Education with the authority to rule in acceptance or rejection of any postsecondary degree at the associate level or higher offered or obtained within the boundaries of Missouri, whether from a "domestic" or "foreign" institution of higher education. Guidelines are established toward this end and penalty provisions are set forth for willful violations of the act.

Proponents: Supporters say that this bill is an attempt to regulate "diploma mills" in Missouri. Testimony revealed that for from \$115 to \$385 a degree of Doctor of Philosophy can be purchased from some unaccredited "colleges" in Missouri. Presently, Missouri is one of only four states with no regulation of "diploma mill" colleges. The regulatory authority provided in this bill would enable the Coordinating Board for Higher Education to supervise the quality of education offered by any postsecondary institution in Missouri. Testifying for the bill was the Coordinating Board of Higher Education.

Opponents: No opposition was voiced to the Committee.

Mike Sharp, Christy Research Fellow

Government, Harris-Stowe Student Body,
Independent Colleges and Universities of
Missouri and the Harris-Stowe faculty.

- Opponents: No opposition was voiced to the
Committee.

Mike Sharp, Christy Research Fellow

HB 1613 -- Federal State Land Transfers

Sponsor: Holt

Committee Action: Reported from the Federal
State Relations--Veteran's Affairs
Committee on a 13-0 vote.

The bill grants the Federal Government exclusive jurisdiction over property acquired for military purposes since the original enactment of Sections 12.030 and 12.034 and any acquisitions which might be made in the future.

Proponents: Supporters say that the bill is needed to clarify criminal jurisdiction in areas where land has been acquired since the passage of pertinent sections. Currently, there is some doubt as to which governmental unit has this jurisdiction over certain areas of the Fort Leonard Wood complex.

Testifying for the bill were Representatives Holt, Hamilton and Lybyer, the Judge Advocate General's Office, United State's Attorney's Office (Western District of Missouri)

Opponents: There was no opposition voiced to the bill in the committee.

Bob Wedow, Research Analyst

HB 1463 -- Conveyance of Harris-Stowe College
to the State of Missouri

Sponsor: Sweeney

Committee Action: Reported from the Education
Committee on a 18-3 vote.

Provisions are made in this bill for the conveyance of Harris-Stowe College, in total, to the state of Missouri, under a board of regents appointed by the governor, as a gift from the St. Louis Board of Education no later than July 1, 1979. Harris-Stowe would continue as "an undergraduate college with primary emphasis in elementary and urban education".

Fiscal Note: A fiscal note of \$500,000 for FY 1979-80 and of \$535,000 for FY 1980-81 is attached. NOTE: Present assumptions being valid, there would be a net reduction of 1,225,000 in state funds obligated to Harris-Stowe College for FY 1979-80 because of a carry-over of funds currently appropriated for use by Harris-Stowe College in that fiscal year.

Proponents: Supporters say that the St. Louis Board of Education can no longer provide partial financial support for Harris-Stowe. Harris-Stowe is already 82% state funded and unless fully assumed by the state will not be able to operate. Harris-Stowe provides a program uniquely adapted to the urban teacher program and presently graduates 40% of all minority teachers in elementary and secondary education in Missouri.

Testifying for the bill were the Coordinating Board for Higher Education, State Treasurer's office, Governor's office, St. Louis City Mayor's office, St. Louis City Board of Aldermen, St. Louis City School District, Harris-Stowe College Administration, St. Louis City Board of Education, Harris-Stowe Student

HB 1226 -- Construction of Statutes

Sponsors: Hamilton and Lang

Committee Action: Reported from the Federal
State Relations--Veteran's Affairs Committee
on a 14-0 vote.

The bill excludes residents on a U.S. military base from enumeration for purposes of the classification of counties with the exception of redistricting of seats in the General Assembly and U.S. Congress.

Proponents: Supporters say that the bill is needed to hold down costs of government in areas in which military bases are located. County officials and Circuit Court costs are allocated on the basis of population, which currently does not take into account the fact that military personnel do not pay local taxes or need local services.

Testifying for the bill were Representatives Hamilton and Lang and the Pulaski County Court.

Opponents: There was no opposition voiced to the bill in the committee.

HCS HBs 1121 and 1257 -- Treasurer Second
Class Counties

Sponsor: Randall

Committee Action: Reported from the Fees and Salaries Committee on a 10-0 vote, with one member voting present.

The bill raises salaries of county treasurers in all counties of the second class to \$15,000 rather than the present \$12,000. The bill, also, requires the treasurer to establish a federal revenue sharing trust fund. He must report expenditures and receipts out of the fund to the county governing body. Each treasurer will receive \$3,000 per annum for this additional duty. The section requiring the additional duty expires January 1, 1981.

Proponents: Supporters say county treasurers of the second-class counties are very much in need of a pay raise to bring them in line with salaries of other state offices. The cost of living has increased a great deal since their last raise in 1972. Testifying for the bill was the treasurer of Osage county.

Opponents: No opposition was voiced to the committee.

if any, should be established by the legislature.

Testifying against the bill were MFA Insurance Co., Alliance of American Insurers, American Insurance Association, and Silvey Corp. of Columbia, Mo.

HB 1300 -- Division of Insurance to Set Minimum
Policy Standards

Sponsor: Fendler, et al

Committee Action: Reported from the Insurance
Committee on a 7-3 vote.

This bill would authorize the director of the division of insurance to establish minimum standards for the content of policy forms for homeowners', dwelling-owners', residential fire, renters' and tenants' insurance on property in this state. Any such policy would have to be submitted to the director for approval before it could be delivered in the state.

Fiscal Note: A fiscal note of \$21,134 for FY 1978-79 and \$23,883 for FY 1979-80 is attached to the bill.

Proponents: Supporters say that this bill was supported by a vote of 16-0 by the Governor's Commission on Insurance. It is intended to stop erosion of policy benefits and make policy language easier to understand. Over 40 states currently require prior approval by the state of these types of insurance. Allowing the director to establish minimum standards would provide necessary flexibility and would set a bottom line without stifling competition.

Testifying for the bill were Representative Fendler, the Division of Insurance, the Department of Consumer Affairs, the Fire Chief of Columbia, Missouri, and the Legal Aid Society. State Farm Insurance Co. testified in support of the bill, but indicated concern that requirement of prior approval of forms would result in backlog and delay. They would prefer a post-filing review system.

Opponents: Those who oppose the bill say that the Division of Insurance would be unable to cope with the large number of policies that would be submitted for approval. They also argued that standards set out in the statute are too vague and that minimum standards,

HB 1043, HCA 1 -- Local Option to Repeal County
Blue Law

Sponsors: Allen, et al

Committee Action: Reported from the Governmental Organizations Committee on a 6-0 vote.

This bill would allow the voters of a second-class county to repeal the Sunday sales exemption if the county is adjacent to a first-class county that has previously repealed its law prohibiting Sunday sales. The adjacent first-class county must have a charter form of government and contain the major portion of a city of over 450,000 population.

HCA 1 -- Increases the number of counties eligible to repeal the Sunday sales exemption. Under this amendment a second-class county adjacent to a city with more than 450,000 inhabitants; a third-class county containing a court of common pleas with a population between 28,000 and 30,000; any county with a major portion lying directly north or west of any second-class county containing part of a city with a population of more than 450,000; any county with less than 25,000 population and has an assessed valuation between \$86 million and \$90 million dollars; and any second-class county with a population between 80,000 and 90,000 and with an assessed valuation of more than \$236 million dollars could exempt themselves from the blue law.

The amendment would cover the counties of Cass, Buchanan, Holt, Atchison, Andrew, Nodaway, Saline, Marion and Boone.

Proponents: Supporters say any county which lies near an area which has repealed the blue laws is at a competitive disadvantage. Revenues that would have remained in the county are now going to the area which has repealed the Sunday blue laws.

Testifying for the bill were Representatives Allen, Randall, Youngdahl, Silcott, and Mead; the Mayor of Harrisonville, Mo.; the editor of the Hannibal Courier-Post; George Waters, businessman, Marshall, Mo.; and Leon Brownfield representing the Mayor and Council of Kansas City, Mo.

Opponents: Those who oppose the bill say the repeal of the blue laws are being considered in a piecemeal fashion. Store personnel are being taken away from their families on Sunday. The increased revenue figures shown in the Kansas City area since the repeal of the blue law in that area do not reflect the repeal of the blue law but show increased Christmas buying.

Testifying against the bill was the Missouri Baptist Convention.

HB 1038 -- Local Registrars' Fees

Sponsor: Sharpe (13), Rollins and Donley
Committee Action: Reported from the Governmental Organizations Committee on a 6-0 vote.

This bill would require the commissioner of administration to pay the fees of local registrars. The payment of these fees will no longer be an obligation of the county in which the registrar is located.

Fiscal Note: A fiscal note of \$52,500 for FY 1978-79 and \$60,000 for FY 1979-80 is attached to the bill.

Proponents: Supporters say local registrars are appointed by the state, but at present the county government must pay the registrars fees based on the number of births, still births and deaths in the county during the year. Since these births, still births and deaths cannot be foreseen, the amount which the county will be billed at the end of the year cannot be properly budgeted for in advance.

Testifying for the bill were Representative Sharpe (13); Division of Health; and Carolyn Lathrope, Southern District Judge, Boone County Court.

Opponents: No opposition was voiced to the committee.

HB 1302 -- Collection and Analysis of Data in
Connection with Fire Insurance on
Property Located in This State

Sponsor: Fedler, et al

Committee Action: Reported from the Insurance
Committee on a 6-4 vote.

This bill would require that insurers make annual reports to the Director of the Division of Insurance of all premium and loss data for policies of homeowners', dwelling-owners', residential fire, and renters' or tenants' insurance on property in this state. The director would have the authority to review the data and develop rate differentials among various territories in the state. Those differentials would then be used to set base premium rates.

Fiscal Note: A fiscal note of \$88,713 for FY 1978-79 and \$19,985 for FY 1979-80 is attached to the bill.

Proponents: Supporters say that this bill was supported by a vote of 13-2 by the Governor's Commission on Insurance. Most insurance companies now file this data with the Insurance Service Organization (ISO), so there would be no additional burden. When ISO recommends increased rates, premiums go up, but last year they recommended a decrease and rates still increased. Current law allows the Division of Insurance to find rates excessive only if there is a lack of competition. This bill would allow the division to look at the raw data and determine whether rates are justified. The bill would create a better market for insurance because of increased trust in the industry. It would take two-three years to develop the differentials from data collected. Testifying for the bill were Representative Fendler, the Division of Insurance, Department of Consumer Affairs, the Fire Chief of Columbia, Missouri, and the Legal Aid Society.

(Opponents: Those who oppose the bill say they aren't really opposed to the reporting requirement and believe the division already has the power to obtain such information. They object to the division being given rate-making power and say underwriting function would be taken from the insurance companies and given to the division. The increase in rates last year was necessary to offset heavy losses in the prior three years. Setting a rate limit might "dry up" the insurance market.

- Testifying against the bill were the Silvey Corporation, Columbia, Missouri; MFA Insurance Company; American Insurance Association; and the Alliance of American Insurers.

HB 1375 -- Public Defender Salaries

Committee: Judiciary

Summary will be printed in an upcoming supplement.

HB 914 -- Child Custody Proceedings

Sponsor: Shear

Committee Action: Reported from the Civil
and Criminal Justice Committee on a 10-0
vote.

This bill would give a Missouri court a basis to exercise or refuse to exercise its jurisdiction in child custody cases. For the exercise of jurisdiction there must be some connection between the child and Missouri, such as Missouri being the child's home state at the commencement of the proceeding or six months prior to the proceeding, exercise of jurisdiction is in the best interest of the child, physical presence of the child in Missouri or lack of jurisdiction by another state. A court can also find it lacks jurisdiction for such reasons as wrongful removal of the child to Missouri from another state or another state is a more appropriate forum.

The bill also specifies requirements for notice, hearings, contents of petitions and affidavits, recognition and modification of another state's child custody decrees, registration of child custody proceedings, requesting assistance from or giving assistance to another state in child custody proceedings, ordering parties to appear and the preservation of records.

Proponents: Supporters say this bill is a uniform act which would require all the states adopting the act to give full faith and credit to the custody decrees handed down by another state's courts. This bill will help prevent child stealing since a person cannot defeat one state's decision by removing the child to another state.

Testifying for the bill were Representative Shear, Fred E. Schoenlaub for the Missouri Bar, and Joan Krauskotf, for the Missouri Bar Association.

Opponents: There was no opposition voiced to
the bill in committee.

HB 972, HCA 1,2,3,4,5 -- Termination of
Parental Rights

Sponsors: Weber and Smith (157)

Committee Action: Reported from the Civil
and Criminal Justice Committee on a 11-0
vote.

This bill rewrites the existing Missouri law dealing with termination of parental rights.

By the institution of a petition in the juvenile court by a juvenile officer by his or her initiative or at the judge's direction, the parental rights of either or both parents can be terminated. Before these rights can be terminated, it must be shown that such termination was in the best interest of the child and either that the parent consented in writing to the termination, abandoned, left or neglected the child, committed or permitted incest or other sexual molestation with the child, physically or mentally abused the child, failed to provide financial support or is mentally unable to care for and protect the child.

HCA 2 -- this amendment would add, as a basis for terminating parental rights, the fact that a parent which has been granted temporary custody of the child after the child has come within the jurisdiction of the court, subject the child to the same abuses the child was subject to before the case came to the court's attention.

This bill deals with the procedures involved in a termination of parental rights case.

Proponents: Supporters say a child needs a stable home environment, especially in the very early days and months of the child's life. This bill would allow a court to, in certain instances, remove the child from an abusive environment and which may lead to placing the child in a healthy situation, such as by adoption. This bill is not try-

ing, however, to substitute the wisdom of the state in raising children for that of the parent.

Testifying for the bill were Representative Weber, Dr. Fred Hamburg, M.D., Child Advocacy Council and Judge John W. Squibb, Presiding Judge of Green County.

Opponents: There was no opposition voiced to the bill in committee.

HCS for HBs 998, 1135 and 1261 -- Relating to
Certain Public Employees

Sponsor: Schlef

Committee Action: Reported from the Labor
Committee on a 14-0 vote.

The bill grants all public employees, except Sheriffs' deputies, highway patrolmen and Missouri national guardsmen, the right to bargain collectively. Bargaining must be done in good faith and must culminate in a written agreement. The act is to be administered by the labor and industrial relations commission under new rule-making authority, subject to a sunset provision. The act provides for the election of exclusive representatives by employees, for "agency shop" agreements and for binding arbitration. Strikes by public employees are outlawed. The act becomes effective January 1, 1979.

Proponents: Supporters say the bill would eliminate public employees' frustration, improve working conditions and reduce the frequency of illegal strikes.
Testifying for the bill were Representative Schlef, Representative Barry, Representative Villa, Missouri National Education Association, American Federation of State, County and Municipal Employees, Missouri Federation of Teachers, Laborers International Union of North America, Operating Engineers of St. Louis, Missouri State Council of Firefighters, St. Louis Firefighters, Service Employees International Union, International Association of Firefighters, Missouri Conference of Electrical Workers, Missouri Nurses Association, Missouri State Labor Council and St. Louis Police Officers Association.

Opponents: Those who oppose the bill say the bill would be costly for taxpayers. Right-to-Work representatives opposed the "agency shop" provision in the bill. Testifying against the bill were the Missouri Chamber of Commerce and the Missorians for Right to Work.

HCS HB 1550 -- Estimate Surplus Property
Clearing Account

Sponsor: Nilges

Committee Action: Reported from the Fiscal
Affairs Committee on a 5-0 vote.

The bill creates a "Missouri State Surplus Property Clearing Account." Moneys received by the state as a result of the sale of surplus property will go into this fund to be administered by the state purchasing agent. The funds in this account shall be used to pay the cost of conducting surplus property sales.

Fiscal Note: A fiscal note that states the proposal would acquire no additional revenue for administration or implementation is attached to the bill.

Proponents: Supporters say the creation of such a fund will enable the state appropriations process to know exactly how much money is brought in by and spent for state surplus property.

HB 1082, HCA 1 -- Certification and Regulation of Proprietary School Districts

Sponsor: Kenton

Committee Action: Reported from the License and Related Matters Committee on a 5-1 vote.

The bill requires for the Coordinating Board for Higher Education to issue certificates of approval to proprietary schools and to the schools and their agents as provided in the bill. A "Proprietary School Advisory Committee" is established to advise the Board.

HCA 1 -- eliminates a provision that would enable other state licensing boards (i.e. the State Cosmetology Board) to make schools under their jurisdiction subject to the regulation provided for in this bill.

Fiscal Note: A fiscal note of a decrease in FY 1978-79 of \$29,412 and a decrease in FY 1979-80 of \$34,835 is attached to the bill.

Proponents: Supporters say the bill is needed to protect the interests of the public. The bill would also make proprietary schools acceptable in the proposed Guaranteed Student Loan Program proposed by the Governor.

Testifying for the bill were the office of Governor Teasdale and Representative Marriott.

Opponents: Those who oppose the bill say that the definitions in the bill are too broad. H & R Block's testimony indicated that they would be required to bond hundreds of secretaries who would be classified as "agents" under the bill. They would like to be excluded from regulation since their

tuition is less than \$100 and the course lasts only nine weeks.
Testifying against the bill was H & R Block.

HB 1378, HCA 1 -- Cosmetology Board Licensing Requirements

Sponsor: Marriott

Committee Action: Reported from the License and Related Matters Committee on a 6-0 vote.

The bill stiffens the requirements for obtaining and renewing a cosmetology instructor's license, provides for a new classification to be known as "instructor trainee" and increases fees. The bill also permits reciprocal licensing with states that have similar requirements.

Proponents: Supporters say that the bill is needed to upgrade the quality of instructors and to enable Missouri to establish reciprocity with other states in licensing cosmetology instructors.

Testifying for the bill were the State Cosmetology Board, Missouri Association of Cosmetology Schools and the State Department of Consumer Affairs, Regulation and Licensing.

Opponents: There was no opposition voiced to the bill in the committee.

HCS HB 976 -- Firemen's Retirement and Relief
Systems

Sponsor: Blassie

Committee Action: Reported from the Local
Government and Related Matters Committee
on a 12-0 vote.

The bill empowers the Board of Trustees of the Firemen's Retirement and Relief System to invest and reinvest certain funds in U.S. or Missouri government bonds or in bonds of any political subdivision of Missouri, savings and loan associations, corporate bonds and stocks, investment trust shares and real estate mortgages. A conflict of interest restriction is also provided. Provision is also made for the use of a "nominee or representative for the purpose of acquiring, holding title to and disposing of those investments..."

Proponents: Supporters say that with the aid of the nominee provision, investments can be bought or sold more expeditiously and thereby enable the firemen's retirement and relief fund to compete economically on the market exchange. The bill would also lift the 8% ceiling on money available for investment and, consequently, the fund could take advantage of being able to receive a return on a larger portion of their retirement fund capital. Testifying for the bill was Representative Blassie.

Opponents: No opposition was voiced to the bill in the committee.

HB 1531, HCA 1 -- Certificates for New Motor
Vehicles

Sponsor: Griffin

Committee Action: Reported from the Motor
Vehicle and Traffic Regulations Committee
on a 8-0 vote.

- This bill would provide for a "Certificate of Newness" which would be issued by the manufacturer of motor vehicles (domestic or foreign) sold in Missouri, which certifies that the new automobiles and trucks have not sustained concealed damage requiring bending, straightening or painting in excess of \$50 at the time of delivery to their franchised dealer.

When cars are delivered to the franchised dealer the dealer must indicate on the "Certificate of Newness" if the vehicles had any damages in excess of \$50. When damages have occurred the manufacturer must repair them to meet or exceed the new car standards.

- Any automobile or truck received by the dealer with damages less than \$50 can not be titled as a new car unless there is a full disclosure to the consumer and the consumer signs a statement of acceptance. If damages are incurred after the dealer has custody the dealer cannot sell or register a vehicle as a new car unless he has made full disclosure to the consumer and received a signed statement of acceptance of the consumer.

HCA 1 -- This amendment adds flood damage repairs under the "Certificate of Newness".

Fiscal Note: Fiscal note not received from
Revenue Department as of printing date.

- Proponents: Supporters feel car buyers have
the right to know if they are buying a car
that is damaged before it is purchased.

Testifying for the bill was the Missouri
Auto Dealers Association.

- Opponents: No opposition was voiced to the
committee.

HB 1487 -- Parts and Services Required with
Motor Vehicle Sale

Sponsor: Griffin

Committee Action: Reported from the Motor
Vehicle and Traffic Regulations Committee
on a 8-0 vote.

This bill provides that every manufacturer of motor vehicles (domestic or foreign) who sells new automobiles and trucks and who makes an express warranty must designate one or more franchised dealers within the state in order to provide the terms of the warranty. The manufacturer must make needed parts available to representatives within 30 days for an operable motor vehicle and within three days on an inoperate motor vehicle. Manufacturers will be liable to representatives on claims made for reimbursement for warranty services performed. Manufacturers must also have adequate service information and replacement parts available to authorized representatives to effect the repairs of vehicles. Service information and parts availability must continue for a period not less than four years.

Anyone who fails to comply with this act will be liable to the consumer at a rate of \$25 per day up to a maximum of \$500.

Proponents: Supporters say dealers are not being supported by manufacturers, and customer service is inadequate. With this bill a more workable system would be provided.

Testifying for the bill was the Missouri Auto Dealers Association.

Opponents: There was no opposition voiced to the bill in the committee.

HB 1156, HCA 1 -- Inspection Fees of Motor
Vehicles

Sponsor: DeField

Committee Action: Reported from the Motor Vehicles and Traffic Regulations Committee on a 5-3 vote.

This bill provides that no inspection permit can be assigned or transferred to any other station. Persons operating an official inspection station must issue a certificate of inspection and approval on an official form. If defects are found the owner may make corrections within 15 days. This bill would raise the fee for inspection to \$5.50 rather than the present fee of \$3.50.

HCA 1 -- An amendment was added to change the \$5.50 inspection fee in the bill to \$4.50.

Proponents: Supporters say the increase in inspection fees is needed to offset rising labor costs incurred by service station owners. Testifying for the bill was the Missouri Auto Dealers Association.

Opponents: No one testified against this bill but there was some concern among committee members that an increase at this time is not necessary.

HB 1155 -- Management of Privately Owned Housing
Projects by Municipal Housing Author-
ities

Sponsor: DeField

Committee Action: Reported from the Municipal
Corporations Committee on a 5-0 vote.

This bill would authorize municipal housing au-
thorities to manage units other than those they
own if they are to be occupied by low and moder-
ate income individuals.

Proponents: Supporters say this would solve a
problem in out-state and rural areas where
it is often difficult to get private corpor-
ations to build low-income units unless the
public housing authorities will agree to man-
age the units. The private companies are
skilled in construction, but not in manage-
ment of low income housing projects. Munic-
ipal housing authorities already have the
personnel and expertise necessary.
Testifying for the bill were Representative
DeField and the Community Development Direc-
tor of Mexico, Mo.

Opponents: No opposition was voiced to the
committee.

The bill would also direct the state health planning and development agency to develop a uniform system of accounting and financial reporting for hospitals.

The effective date will be January 1, 1979. HCA 1 -- Clarifies the selection process for the board administering certificates of need and allows application fees to remain in the state treasury.

Fiscal Note: A revised fiscal note showing a net income of \$3642 for FY 1978-79 and \$11,357 for FY 1979-80 and a net cost to federal funds of \$109,075 for FY 1978-79 and \$205,930 for FY 1979-80 is attached.

Proponents: Supporters say that the establishment of these programs would be a first required step to containing hospital costs. Federal law requires a certificate of need program or else there will be subsequent loss of federal funds in many health care areas.

Testifying for the bill were Representative O'Connor, Greater St. Louis Area Health Systems Agency, Arthur Jacobs, a health care consumer and member of the State Health Coordinating Council and Missouri Hospitals Association for Certificate of Need Only.

Opponents: Opposition was voiced only on the rate review portion of the bill. Opponents say that rate review does not contain costs. States with rate review have higher cost per patient day than states without such review. Testifying against the bill was Missouri Hospitals Association for Rate Review Only.

HCS HB 1530 -- Increases in Assessed Valuation

Sponsor: Russell (58)

Committee Action: Reported from the Revenue and Economics Committee on a 10-2 vote.

This bill would require rates of levy to be revised when a general reassessment takes place, or when the assessed valuation of real or real and personal property combined within a taxing district increases by 10% or more over the prior year's valuation. The rates shall be reduced to the extent necessary to produce from all taxable property substantially the same amount of tax revenue as that produced in the previous year. In addition, the revenue produced from taxing the assessed valuation of new construction and improvements at the revised tax rate will be allowed. This bill provides that when the taxing district is a school district, it shall only be required to revise and lower the rates of levy so as to produce substantially the same amount of tax revenue as previously estimated to be produced by the original levy, plus such additional amounts so as to offset the district's reduction in the next apportionment of state school monies due to its increased valuation. This act shall become effective December 1, 1978.

Proponents: Supporters say a rollback law is needed in Missouri now because the courts may require many counties to reassess without the benefit of statewide reassessment. This bill must distinguish between counties and taxing districts. The Union Electric plant in Callaway County will increase the county's assessed valuation by at least 10%. Without this distinction, all school districts in the county would have to rollback their rates of levy, but only one district would have increased valuation. The other school districts would lose their natural growth.

Testifying for the bill were Representative Joe Holt, Earl Brown, Superintendent North Calloway School District and Wayne Tennenbaum, Jackson County Assessor.

Opponents: Those who oppose the bill say this bill is needed, but it should allow an additional 5% over the previous year's tax revenue to be produced when revising the rates of levy. This is necessary because of inflation and natural growth. Testifying against the bill was Representative Steve Gardner.

HB 881 -- Increase in Blind Pension Benefits

Sponsor: Sharp

Committee Action: Reported from the Social Services and Medicaid Committee on a 7-0 vote.

This bill would raise the monthly pensions to the blind from the present \$135 per month to \$160. In order to qualify for the benefits, persons must obtain vision tests from a certified ophthalmologist, optometrist or physician approved by the Department of Social Services.

Fiscal Note: A fiscal note of increased costs of \$649,687 for FY 1978-79 and \$816,900 for FY 1979-80 is attached to the bill, as well as the following decreased costs: no decrease in the General Revenue Fund for FY 1978-79, but a decrease of \$408,450 in FY 1979-80; a decrease of \$649,687 for FY 1978-79 and a decrease of \$408,450 for FY 1979-80 in the Blind Pension Fund.

Proponents: Supporters say the increase is needed to enable blind pensioners to cope with the increased cost of living.
Testifying for the bill was the Missouri Federation of the Blind.

Opponents: There was no opposition voiced to the bill in the committee.

HB 1413, HCA 1 -- Hospital Cost Containment

Sponsors: O'Connor, Fendler and Hickey
Committee Action: Reported from the Public
Health and Safety Committee on a 8-1 vote,
with six members voting present.

This bill would establish agencies which would review hospital budgets and rate increases and provide certificates of need for health care facilities and services.

In order to administer rate review, this bill would establish the "Hospital Cost Review Commission" within the Division of Health in the Department of Social Services. The bill specifies the membership, term, compensation and authority of the commission. Every hospital in the state would submit annually to the commission a proposed budget plus a schedule of proposed rate increases for the next fiscal year. The commission would review these proposals and issue approval or denial of the rate increases. Provision is made for hearings if the proposed rate increases are denied.

In order to administer certificates of need, this bill would establish the "Health Facilities Review Board" under the state health planning and development agency of the Division of Special Services in the Department of Social Services. The bill specifies the membership, term and compensation of the board, the health care services subject to review and the criteria for determining the certificate of need. The board will establish rules and regulations regarding the issuance of certificates of need, including procedure for application and hearings. Once the certificate of need is granted, it is forfeited if the expenditure is not incurred within six months. A 15% inflationary increase is allowed without further review. A decision to deny a certificate of need may be appealed to the administrative hearing commission.

HB 1133 -- Legal Requirement for Wholesale Drugs

Sponsor: Villa

Committee Action: Reported from the Social Services and Medicaid Committee on a 8-0 vote, with one member voting present.

The bill would provide that the label of any drug which is sold at wholesale in this state and which requires a prescription to be dispensed at retail shall contain the name of the manufacturer. The bill carries an effective date of July 1, 1979.

Fiscal Note: A fiscal note of \$25,022 for FY 1978-79 and \$27,607 for FY 1979-80 is attached to the bill.

Proponents: Supporters feel the true manufacturer of a drug should be disclosed on the label of drugs when dispensed.
Testifying for the bill was the State Board of Pharmacy.

Opponents: No opposition was voiced to the committee.

HCS HB 918 -- Dam and Reservoir Safety

Sponsor: Bockenkamp

Committee Action: Reported from the Parks, Recreation and Natural Resources Committee on a 12-4 vote, with one member voting present.

The bill creates a section for dam and reservoir safety in the Department of Natural Resources. A reservoir safety council is created. Construction and safety permits must be issued for dams being built as well as those already in existence. The dams must be inspected every five years to receive a new safety permit. The bill applies to any dam with a surface area of fifteen acres or more, or which is across any stream draining 300 acres or more, or is 35 feet or more in height from the natural bed of the stream. The bill also applies to tailing, slime and settling ponds, and to other similar industrial water retention structures.

Proponents: Supporters say some dams not falling under federal laws of inspection are in dangerous condition and someone needs the authority to improve the safety situation. They feel a minority of the dams are bad, but those that are need immediate attention. They feel all dams built need the knowledge of a professional engineer.

Testifying for the bill were the Army Corps of Engineers; Geology Dept., Dept. of Natural Resources; City Administrator, Fredericktown; City Council, Fredericktown; St. Joseph Mineral Corp.; League of Women Voters; James Carr, professional engineer, Columbia; and American Consulting Engineers Council of Missouri.

Opponents: Those who oppose the bill say the bill requires too many small lakes to be inspected. Anyone who builds a commercial lake considers it an investment and will protect his interest by keeping the lake maintained. They, also, feel that just because a professional engineer designs a dam does not make it safe.

HB 987 -- Public Assistance Benefits

Sponsor: Goward

Committee Action: Reported from the Social Service and Medicaid Committee on a 8-0 vote, with one member voting present.

This bill would provide that the state pay a maximum of \$300 a month to public assistance recipients in practical care nursing homes, instead of the present maximum of \$200 a month. It also provides that the state pay a maximum of \$225 a month for public assistance recipients in domiciliary nursing homes, instead of the present \$150 a month and that the state pay a maximum of \$120 a month for recipients receiving care in licensed boarding homes.

Fiscal Note: The fiscal note for FY 1978-79 would be \$13,903, 155, and the fiscal note for FY 1979-80 would be \$15,889,320.

Proponents: Supporters say there has been a 67% overall increase in the cost of nursing home care and a 36% increase in the minimum wages since 1971. Supporters feel this bill is needed to help in the increasing cost of nursing home care.

Testifying for the bill were the Missouri Nursing Home Association; Calvin Hiehous, Nursing Home Administrator; Sister Mary Margaret Snethen, Kansas City Boarding Home and Missouri Boarding Home Association.

Opponents: There was no opposition voiced to the bill in committee.

Testifying against the bill were the Land Improvement Contractors Association of Missouri, Muenks Brothers Construction Co., and Daniel Ramlon.

HB 1025 -- Service Center for Displaced Home-
makers

Sponsor: Shear

Committee Action: Reported from the State Institutions and Property Committee on a 7-0 vote.

The bill authorizes the Department of Social Services to establish a service center in Springfield for displaced homemakers. The center will provide job counseling services, job training and placement, health education, financial management services, educational services and legal services. The service center would be a pilot project with a duration of two years.

Fiscal Note: It is estimated that the service center will cost \$45,000 per year in the next two fiscal years.

Proponents: Supporters say that there is a need to make people aware of the problem of displaced homemakers and to test this approach to dealing with the plight of displaced homemakers.

Testifying for the bill was the sponsor.

Opponents: No opposition was voiced to the committee.

HB 1222 -- Construction and Repair of State
Buildings

Sponsor: Nilges

Committee Action: Reported from the State Institutional and Property Committee on a 6-0 vote, with one member voting present.

The bill allows state agencies more authority to contract for construction, maintenance, and improvement of state buildings. It also prohibits the payment of architectural or engineering fees for repair projects of less than ten thousand dollars.

Proponents: Supporters say that the bill will expedite the completion of smaller projects and will relieve some of the work overload on the Division of Design and Construction. Also, architects or engineers are ordinarily not needed on smaller projects.
Testifying for the bill were the Missouri National Guard and the State Committee on Fiscal Affairs.

Opponents: No opposition was voiced to the committee.

HB 1325 -- Motor Carriers Exempt from PSC
Regulation

Sponsor: Nilges

Committee Action: Reported from the Transportation Committee on a 16-0 vote.

This bill would exempt motor vehicle carriers used solely by a group of employees to commute to and from their place of employment from regulations set by the Public Service Commission.

Proponents: Supporters say the use of this type of transportation by employees could be very beneficial to energy reform. This would save many gallons of gasoline each year.

Testifying for the bill were the Public Service Commission, the Department of Transportation, and Highway Reciprocity Commission.

Opponents: No opposition was voiced to the committee.

HB 1501 -- Operator's and Chauffeur's Licenses

Sponsor: Hoffman (144)

Committee Action: Reported from the Transportation Committee on a 11-5 vote.

This bill would require the Director of Revenue to issue or renew operator's license at a fee of \$5, rather than the present \$3. In the event a chauffeur's license is lost or destroyed, a duplicate license will be issued at a fee of \$5.

Proponents: Supporters say this bill is needed because the state is losing money on each operator's license issued due to the cost of producing a good picture and the vision test.

Opponents: No one testified against this bill, but it was felt by some committee members that an increased fee for a operator's license is not needed.

HCS HB 1116 and 1117 -- Aid for Public Airport
Improvements

Sponsor: Jones

Committee Action: Reported from the Transportation Committee on a 16-0 vote.

This bill would increase the amount of state aid available to cities, towns and counties purchasing, constructing or improving airports. A city, town or county would be eligible to receive \$25,000 in any one fiscal year and up to the total of \$75,000 in any five consecutive fiscal years for airport purposes. In the case of cities, towns and counties jointly constructing, operating and maintaining a common airport, a maximum of \$50,000 could be appropriated in any one fiscal year and a total of \$100,000 in any five consecutive fiscal years.

This bill would also require that cities, towns and counties which are planning to individually or jointly build, develop, improve or expand a public airport to channel their request for funds through the state department of transportation. This bill would authorize the department of transportation to cooperate with the federal government and its agencies in the acquisition, construction, improvement, maintenance and operation of airports and other navigational facilities in Missouri.

Proponents: Supporters say this bill would help cities, towns and counties receive their aid much quicker.

Testifying for the bill were the Department of Transportation and Lloyd Parr, Airport Engineer.

Opponents: There was no opposition voiced against the bill in committee.

HB 1247 -- Deduction from the State Income Tax

Sponsors: Zych and Piekarski
Committee Action: Reported from the Urban
Affairs Committee on a 12-0 vote.

This bill would allow taxpayers to claim a deduction from state income tax of up to \$1000 for material and labor used in exterior home improvements. Deductions would not be allowed if the cost was paid by insurance, nor would deductions for labor be allowed if the taxpayer himself performed the labor.

Fiscal Note: A fiscal note of \$1,501,000 for FY 1978-79 and \$1,590,000 for FY 1979-80 is attached to the bill.

Proponents: Supporters say the bill would help solve the problem of urban decay in Missouri cities by providing a tax break for exterior home improvements. It specifies repairs that qualify for the deduction to prevent deductions being taken for luxury items.
Testifying for the bill was Representative Zych.

Opponents: There was no opposition voiced to the bill in the committee.

HB 1134 -- Teacher and School Employee Retirement Systems in Certain School Districts

Sponsor: Villa, et al

Committee Action: Reported from the Urban Affairs Committee on a 12-0 vote.

This bill would make a number of changes in the St. Louis Public School Retirement System, including: a provision to allow the system to nominate an individual to hold its securities and other property; changes in the method of calculating retirement allowances; provision for additional retirement options upon a member's death; a change in computation of members' contributions; provision for purchase of prior service credit by members is extended to December 31, 1980; extension of benefits payable under section 169.460 (16) to non-dependent spouses; and retired educational secretaries would be allowed to work for a limited period with no reduction of their retirement allowances.

Proponents: Supporters say the bill would improve the St. Louis Public School Retirement System at no cost to the state.

Testifying for the bill were Representative Villa and the Attorney for the Public School Retirement System of St. Louis.

Opponents: No opposition was voiced to the bill in the committee.

HB 1272, HCA 1 -- Division of Workmen's Com-
pensation

Sponsor: Doll

Committee Action: Reported from the Workmen's
Compensation Committee on a 6-0 vote.

The bill changes the name of Chapter 287 RSMo
1969 from "The Workmen's Compensation Law" to
"The Employees' Compensation Law," and the
name of the division of workmen's compensation
to "division of employees' compensation."

HCA 1-- Changes the word "employees" in the
bill to "workers."

Proponents: Supporters say the change in
terminology would eliminate sexist and
inaccurate references to claimants.

Testifying for the bill was Representative
Doll.

Opponents: The Department of Labor and
Industrial Relations, although neutral on
the bill itself, questioned the importance
of such a name-change on settlements in-
volving unpaid employees.

HB 1303, HCA 1 and 2 -- Workmen's Compensation for Certain State Employees

Sponsor: Fendler

Committee Action: Reported from the Workmen's Compensation Committee on a 6-0 vote.

This bill allows the state of Missouri, as an employer, to insure itself for workmen's compensation settlements instead of buying coverage from private insurers. Employees of the state are to be phased in gradually, as a "Missouri State Employees' Workmen's Compensation Fund" builds up to cover them. The act gives the division of labor standards responsibility for administering the self-insurance program with the advice and consent of an advisory committee composed of the directors of the division of labor standards and the division of insurance, the state treasurer, commissioner of the office of administration and chairman of the highway commission.

HCA 1 -- shifts responsibility for administering the act from the division of labor standards to the office of administration.

HCA 2 -- eliminates the advisory committee.

Fiscal Note: A fiscal note of \$4,348,643 for FY 1978-79 and \$7,276,544 for FY 1979-80 is attached to the bill.

Proponents: Supporters say the bill would save Missouri about \$20 million during the first year of operation. The office of administration said it already had the personnel to administer the program, and would rather do so without an advisory committee.

Testifying for the bill were Representative Fendler, the division of labor standards and the office of administration.

Opponents: No opposition was voiced to the
committee.

SUPPLEMENT
TO
PERFECTION CALENDAR

Week of January 30, 1978

Includes:

SB 811 - pgs. 426,427*
SB 624 - pg. 428*
SB 625 - pg. 428
SB 761 - pg. 429

For Third Reading Calendar

* Please note amended page numbers.

SB 811 -- Regulation of Real Estate Brokers
and Salespersons

Sponsors: Welliver, Winship and Merrell
Committee Action: Reported from the Judiciary
Committee on a 11-0 vote.

This bill seeks to modernize the present law concerning the practices, education and training of real estate brokers and salespersons. Many of the present rules of the Real Estate Commission are adopted in this bill.

This bill would allow the commission to set minimum curricula and standards for accreditation of real estate schools and courses of instruction. Further, the commission would monitor the schools to maintain the standards set.

The Missouri Real Estate Commission would have investigatory powers to determine if the ethical standards set forth in this bill are maintained and shall investigate on receipt of a written complaint.

Standards or practices set forth deal with, among others:

1.) representations and promises; 2.) separations of monies from personal accounts; 3.) accounting for monies, documents, and property belonging to others; 4.) representations to lenders; 5.) delivery of duplicate instruments to concerned parties; 6.) acting in a fiduciary capacity; 7) guaranteeing profit on resale of property; 8.) obtaining a license through fraud or deceit; 9.) unethical sales promotions; 10) conduct which is improper, fraudulent, or exhibiting bad faith or gross incompetence.

If there is a finding that a standard has been broken, said finding will be grounds for the suspension or revocation of the broker's or salesperson's license. The bill further seeks to regulate the trust or escrow accounts required and mandate notification to the Commis-

(sion of their existence.

The bill further allows, most importantly, the Commission, through the Attorney General to enjoin acts in violation of this act.

(Proponents: Supporters say the bill as summarized is necessary to up-date and protect the people of Missouri in real estate transactions.

Testifying for the bill were the Missouri Realtors Association and members of the Missouri Real Estate Commission.

Opponents: No one spoke in opposition to the bill.

SB 624 and SB 625 -- Advertising of Physicians,
Surgeons, Dentists, and Dental Hygienists

Sponsors: Murray and Welliver

Committee Action: Both reported from the
Judiciary Committee on a 12-0 vote.

These bills, introduced as companion bills, before the Judiciary Committee would allow the refusal, suspension or revocation of licenses of physicians, surgeons, dentists and dental hygienists where the State Board of Healing Arts or the Missouri Dental Board respectively finds advertising or solicitation to be confusing, deceiving or misleading to the public.

Proponents: Supporters say these provisions are necessary to keep pace with the developments in the field of medicine and dentistry and protect Missourians, if necessary, from unscrupulous practices which are seen to be developing in other parts of the country.

Testifying for the bill were the sponsoring senators indicating endorsement by the Missouri Osteopathic Assoc., Missouri Medical Assoc., and Missouri Dental Assoc.

Opponents: No opposition was voiced to the committee.

SB 761 -- Industrial Development Corporation

Sponsor: Wiggins

Committee Action: Reported from the Judiciary
Committee on a 10-0 vote.

This bill amends chapter 349 RSMo. Supp. 1977, dealing with industrial development corporations, to make the general and business corporation law of Missouri applicable to industrial development corporations. The provisions of chapter 349 would take precedence over any provisions of chapter 351 which conflict.

Proponents: Secretary of State James C.

Kirkpatrick submitted testimony stating that the bill was needed for housekeeping purposes and the proper administration of the industrial development law.

Opponents: No opposition was voiced to the committee.

HOUSE PERFECTION CALENDAR

Week of February 6, 1978

HOUSE JOINT RESOLUTION FOR PERFECTION

HJR 67 - pg. 87

HOUSE BILLS HELD OVER

HB 1231 - pg. 25
HB 978 - pg. 26
HB 882 - pg. 27
HCS HBs 883, 1321,
1342, 1557 - pgs. 28,29*
HB 902 - pgs. 30, 31
HCS HBs 896, 897 - pgs. 32,33
HB 934 - pgs. 34,35
HB 1097 - pg. 36
HB 1242 - pg. 37
HB 1126 - pg. 38
HB 1463 - pgs. 39,40
HB 1186 - pg. 41
HB 1613 - pg. 42
HB 1226 - pg. 43
HCS HBs 1121, 1257 - pg. 44
HB 1300 - pgs. 45,46
HB 1043 - pgs. 47,48
HB 1038 - pg. 49
HB 1302 - pgs. 50,51
HB 1375 - pg. 52
HB 914 - pgs. 53,54
HB 972 - pgs. 55,56
HCS HB 998, 1135,
1261 - pgs. 57,58
HCS HB 1550 - pg. 59
HB 1082 - pgs. 60,61
HB 1378 - pg. 62
HCS HB 976 - pg. 63
HB 1531 - pg. 64
HB 1487 - pg. 65
HB 1156 - pg. 66
HB 1155 - pg. 67
HB 1413 - pgs. 68,69
HB 1530 - pgs. 70,71

HOUSE BILLS HELD OVER (Cont.)

HB 987 - pg. 72
HB 881 - pg. 73
HB 1133 - pg. 74
HCS HB 918 - pgs. 75,76
HB 1025 - pg. 77
HB 1222 - pg. 78
HB 1325 - pg. 79
HB 1501 - pg. 80
HCS HB 1116, 1117 - pg. 81
HB 1247 - pg. 82
HB 1134 - pg. 83
HB 1272 - pg. 84
HB 1303 - pgs. 85,86

ADDITIONS TO CALENDAR

HCS HB 887 - pgs. 88,89
HB 1650 - pg. 90
HB 895 - pgs. 91,92
HCS HBs 879, 899 - pgs. 93,94
HCS HB 892 - pgs. 95,96
HB 894 - pgs. 97,98
HB 904 - pg. 99
HB 906 - pgs. 100,101
HB 932 - pgs. 102,103
HCS HB 905 - pgs. 104,105
HB 1445 - pgs. 106,107,108
HB 1446 - pgs. 109,110
HB 1377 - pg. 111
HB 1096 - pgs. 112,113
HB 1203 - pg. 114
HB 954 - pg. 115
HCS HB 968 - pg. 116
HB 1080 - pgs. 117,118
HCS HB 1255 - pg. 119
HB 1362 - pg. 120
HCS HBs 1359, 1360,
1361, 1363 - pg. 121
HB 1346 - pg. 122
HB 1165 - pg. 123
HCS HB 1124 - pg. 124
HB 1474 - pg. 125
HB 1000 - pg. 126

ADDITIONS TO CALENDAR (Cont.)

HB 1022 - pg. 127
HB 1122 - pg. 128
HB 1241 - pg. 129
HCS HBs 1399, 1534 - pg. 130
HB 1467 - pgs. 131,132
HB 1181 - pg. 133
HB 1279 - pgs. 134,135
HB 114 - pg. 136
HB 1614 - pg. 137
HB 1276 - pg. 138
HCS HBs 949, 1266 - pgs. 139,140
HB 1549 - pg. 141
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HB 1153 - pg. 143
HB 1428 - pg. 144
HCS HBs 1088, 1464,
1654 - pg. 145
HB 1691 - pgs. 146,147
HCS HB 1020 - pg. 148
HB 1142 - pgs. 149,150
HCS HB 1668 - pgs. 151,152
HB 980 - pg. 153
HB 1129 - pgs. 154,155
HB 1193 - pg. 156
HB 1157 - pg. 157
HB 1104 - pg. 158
HB 1171 - pg. 159
HB 1289 - pg. 160
HB 957 - pg. 161
HB 1112 - pg. 162
HB 1177 - pgs. 163,164
HB 1309 - pg. 165

HOUSE BILLS FOR PERFECTION - INFORMAL CALENDAR

HB 889 - pg. 12 (Held over)
HB 1052 - pg. 20

* This edition contains corrected or amended synopsis of the indicated bill. The page number of synopsis requiring changes is listed so that you may update this calendar with the new material. Please destroy original page.

Prepared by House Research Staff
Kenneth J. Rothman, Speaker

businesses and foreign governments owning Missouri agricultural lands.

At hearings held in Jefferson City and at four locations through the state, numerous people expressed their concern about foreign ownership of Missouri lands.

Testifying for the bill were the Missouri Farmers Association, Farm Bureau, Missouri Department of Agriculture, American Agricultural Movement, and numerous state representatives.

Opponents: The opponents of the bills thought such a restriction would destroy competition for land and cause the price of land to fall. The bill could result in imposing restrictions on United States citizens doing business in foreign countries.

Testifying against the bill were Oppenheimer Industries, Marvin Duncan, Othello Evans, Dexter Davis, and the Missouri Association of Realtors.

HJR 67 -- Increasing County Bridge and Road Taxes

Sponsor: Butts, Lewis, Miller and Dunning
Committee Action: Reported from the Governmental Organizations Committee on a 10-0 vote.

This bill would allow the county government to submit to the voters a proposal to increase its tax level for road and bridge purposes to a maximum of 50¢ per hundred dollars of accessed valuation. The present law has a maximum of 35¢ per hundred dollars of accessed valuation.

Fiscal Note: A fiscal note of \$8,228 for FY 1978-79 is attached to the bill.

Proponents: Supporters say this bill would allow county voters to set their own levy for road and bridge taxes. It allows counties to obtain funds to keep pace with rising costs.

Testifying for the bill were Representative Butts; Judge Dickerson and Judge Persontno, Camden County; and Judge Castine, Judge Marriott and Judge Beam, Morgan County.

Opponents: No opposition was voiced to the committee.

HCS HB 887 -- Reassessment of Real Property

Sponsor: Gardner

Committee Action: Reported from the Revenue
and Economics Committee on a 14-2 vote.

This bill would mandate a reassessment of real property in all counties by December 31, 1981. The State Tax Commission would develop guidelines for reassessment plans. Each county would submit its plan to the State Tax Commission for approval. A county could contract with a private firm to do the reassessment, with Commission approval of the contract. The state would pay 25% of the cost of reassessment, but in an amount not to exceed \$7 per parcel. All political subdivisions who benefit from the property tax would pay their proportionate cost of the reassessment. After completion of reassessment a fund would be established in each county. The fund would receive all state reimbursements for reassessment and $\frac{2}{3}$ of one percent of all property tax collections in the county. The amount would be one percent in third- and fourth-class counties. The State Tax Commission would make ratio studies in each county beginning in 1983. Any county with a coefficient of dispersion in excess of 20% would correct its assessment. Counties having completed reassessment after Dec. 31, 1975 would be exempt from this reassessment if their coefficient of dispersion is 20% or less. This bill would require a tax rate rollback. The rates would roll back to the extent necessary to yield last year's revenue plus four percent, plus $\frac{2}{3}$ of one percent for the reassessment fund, plus revenue from new construction at the revised rate. This bill would give a taxing authority the same degree of discretion in raising tax rates as it would have without reassessment if it is currently taxing below its constitutional or statutory lid. If the taxing authority is taxing at or above its tax lid, a new lid would be set which could only be raised by a vote of the people. A class action suit would be authorized if a political subdivision fails

to roll back its tax rates as required. This bill would require the assessor to notify each property owner of the new assessment, the old assessment and how to file an appeal. This bill would assess all farmland according to the provisions of section 137.017 to 137.026 regardless of whether an application has been made.

Fiscal Note: Revised fiscal note not completed at time of publication.

Proponents: Supporters say the basis on which property taxes are collected is not factual. They say the state must move in this area to improve equity or the courts will take over the problem. They say the school foundation formula cannot do the job that is intended without reassessment. They say this bill is imperative because it includes roll back with reassessment. They say the four percent increase is necessary to approximate the natural growth of tax revenues due to valuation increases. They say many authorities feel rollback is constitutional, and if it is found to be unconstitutional the General Assembly would have adequate time to remedy the situation.

Testifying for the bill were the Conference on Education; Wayne Tennebaum, Jackson County Assessor; and Representative Gardner.

Opponents: Those who oppose the bill say the rollback provision may be unconstitutional. Without rollback, the taxpayers of the state would be faced with an unbearable tax increase. The four percent increase allowed on top of last year's revenue is a tax increase without a vote. Rollback may last only one year resulting in windfalls to local governments. Property taxes must increase, if only to pay for the reassessment.

Testifying against the bill were Representative Barnes; Junior Simpson, Dent County; and Missouri Farm Bureau.

HB 1650 -- Limit Tort Actions vs. State and
Local Governments

Sponsor: Holt

Committee Action: Reported from the Judiciary
Committee on a 7-2 vote.

This bill would limit the exposure to liability of the state or any political subdivision, for the tortious conduct of its officials, employees, or agents to that exposure specifically provided by statute. "Any common law rule to the contrary is...specifically abrogated."

The bill further provides for a termination date of its provisions of January 1, 1980.

Proponents: This bill will provide the legislature with the necessary time to fully study the impact of the Missouri Supreme Court's decision in Jones v. State Highway Commission, a case which held that "sovereign immunity against tort liability is no longer a bar" to action against the state or any political subdivision.

Testifying for the bill was Representative Holt.

Opponents: No opposition was voiced to the committee.

HB 895, HCA 1,2,3,4,5,6,7 -- Securities Law and
Cooperative Associations

Sponsors: Seay, et al

Committee Action: Reported from the Civil and
Criminal Justice Committee on a 9-0 vote.

An agricultural cooperative association is exempt from the state securities law as long as it remains an association of farmers processing, preparing, handling or marketing farm products; or purchasing, testing, grading, processing, distributing and/or furnishing farm supplies and/or farm business services; or does not pay out more than a maximum of 8% per annum in dividends; or does not do more business with nonmembers than it does with its members. The association must furnish the commissioner its sales literature, financial statements and any other information the commissioner may require about any securities offering. An agent selling securities of a cooperative association must furnish information on his relationship with the cooperative association, his methods of selling, his sales literature and any other information the commissioner of securities might require.

HCA 6 -- Would include "securities", as defined by Chapter 409 RSMo, in the definition of merchandise. Also, this amendment would increase the possible penalty for a violation of the act to \$500,000 from \$5,000 and to ten years in prison instead of three years under the present act. The buyer has a three day cooling off period to reject any security.

Fiscal Note: The bill would provide an increase of \$227,294 in FY 1978-79 and \$255,429 in FY 1979-80 to the general revenue fund.

Proponents: Supporters say this bill is aimed at toughening the Missouri securities laws to prevent another securities fraud scheme like the Progressive Farmers Association, but not penalize legitimate cooperatives. Other

states shut down the PFA operation with little loss, compared to the \$12 million loss suffered by Missouri investors. Under this bill the commissioner of securities would be given more authority to make sure that a cooperative association was conducting itself as a farm cooperative.

Testifying for the bill were Representative Seay; Secretary of State James Kirkpatrick; Attorney General's office; Greene County Prosecuting Attorney Jim Kelly; Bill Lloyd, detective; Springfield Police Department; Missouri Farmers Association; Farm Bureau; Farmland Industries and Mid-America Dairymen.

Opponents: There was no opposition voiced to the bill in committee.

HCS HB 879, 899 -- Missouri Minimum Police Standards

Sponsor: Vossmeayer

Committee Action: Reported from the Governmental Review Committee on a 10-0 vote.

This bill would establish mandatory standards for the selection and training of peace officers. The Director of Public Safety shall establish the minimum hours of training and the curriculum. The maximum hours of training that may be required are: 1000 hours for peace officers of any state law enforcement agency, 600 hours for peace officers in first class, charter government counties; and 240 hours for any other peace officers. Any person employed as a peace officer after December 31, 1978 must be certified by the director and will be appointed for a one-year probationary period, during which the peace officer must qualify for certification. It is the policy of this bill to encourage such training for all peace officers, but the training is not required of peace officers appointed before December 31, 1978. The director shall accredit training programs and adopt regulations pertaining to the establishment of minimum standards for certification. No elected peace officer must be certified under this bill, but appointive deputies must comply with the standards. Courts of municipalities and counties may be authorized to charge a fee of up to \$2 in each criminal proceeding to fund training expenses. This bill creates the Highway Patrol Academy Fund to receive monies received by the state highway patrol for the training of peace officers who are not members of the patrol.

Fiscal Note: The fiscal note is \$42,349 for FY 1979-80.

Proponents: Supporters say untrained officers hurt law enforcement. Missouri is one of only three states without minimum standards.

They say it is unrealistic to expect untrained officers to comply with complex legal procedures. Citizens are entitled to have trained police to protect their civil rights. They say most officers want more training, and they deserve it. Testifying for the bill were John Ashcroft, Attorney General; Al Lubker, Superintendent of the Missouri Highway Patrol; office of the Director of Public Safety; Missouri Police Chiefs Association; Missouri Sheriffs Association; Missouri Municipal League; and Missouri Association of Counties.

Opponents: While there was no opposition formally voiced, some committee members felt it is important to train all peace officers and not just the newly hired.

HCS HB 892 -- Right to Financial Privacy Act

Sponsor: Riley

Committee Action: Reported from the Consumer Protection Committee on a 14-0 vote, with three members voting present.

The substitute specifies the conditions under which a depository institutions, a credit-granting institution or a service provided of either can disclose the individually identifiable financial records of a customer. They may be disclosed if the customer authorized disclosure, if law requires it, if legal process is served, if customers have been notified in advance that a kind of disclosure is routinely made and if it is in connection with certain specified business activities of the record holder. The substitute also declares that customers have a legal interest in financial records pertaining to their business with a depository or credit-granting institution, prohibits sale of mailing lists derived from financial records and provides criminal and civil penalties.

Proponents: Supporters say that customers of depository and credit-granting institutions have a right to have a legally defined expectation of privacy and the opportunity and the right to contest departures from this defined expectation.

Testifying for the bill were members of the Consumer Protection Subcommittee on Financial Privacy and the Department of Consumer Affairs.

Opponents: Those who oppose the bill say that the original bill will slow up the lending process and will place an unnecessary burden upon depository and credit-granting institutions. Moreover, there have been no complaints of invasion of privacy from customers.

Testifying against the bill were the Missouri Savings and Loan League, the Missouri Bankers Association and the Missouri Retailers Association.

HB 894 -- Presidential Preference Primary

Sponsor: Lynn, et al

Committee Action: Reported from the Elections Committee on a 6-3 vote.

This bill would provide for a state-wide presidential primary to be held the first Tuesday in April of each presidential election year. Candidates from political parties whose candidate for governor received more than two percent of the vote in the last general election would appear on the ballot, along with a listing for an uncommitted vote.

Before the state presidential primary, a slate of uncommitted national delegates and alternates and a slate representing each presidential candidate would be chosen by the state party organization in each district and for the state at large. Following the primary, delegates and alternates would be selected so that the proportion of those uncommitted or committed to each candidate would equal as nearly as possible the proportion of the popular vote for that political party that was cast as uncommitted or committed for each candidate.

Each delegate or alternate would be bound to vote for the candidate to whom he designated commitment (if any) until the party nominates a candidate, two ballots have been taken, or the candidate withdraws, releases his delegates or receives less than 15% of the votes cast on the first ballot.

In case of conflict with national party committee rules, the national committee rules would govern.

Fiscal Note: A fiscal note of \$325,000 is attached to the bill.

Proponents: Supporters say the purpose of the bill is to stimulate voter interest and par-

icipation, and to remedy public reluctance to get involved in the caucus process. The \$325,000 cost would be only once every four years and money generated by the primary (for media advertising, etc.) would help compensate. Any cross-over voting would be more than offset by increased participation. Testifying for the bill was Representative Lynn.

Opponents: Those who oppose the bill say that the primary would probably not result in candidates campaigning in Missouri to any greater degree. The April date would place the primary in competition with five other state primaries at about the same time and four of those states are larger than Missouri. The Secretary of State would favor a regional primary and he does not believe the cost of a state presidential primary is justified. Members of the committee also expressed a concern that because a state party caucus would still pick the candidates, too much is left up to political committees. Testifying against the bill was the Secretary of State.

HB 904 -- Public Assistance Eligibility

Sponsor: Russell (6th)

Committee Action: Reported from the Social Services and Medicaid Committee on a 5-0 vote.

This bill would provide that in order to be eligible for public assistance grants the recipients who are deemed employable or who are deemed not employable because of their willful failure to report for employment would have to appear in person at a state employment service office twice a year. Persons would be deemed to have refused to accept employment if they fail to report for employment or show cause why they didn't report. Employable persons who fail to register with a state employment service office or those persons who are deemed to have refused to accept employment for which they are able to engage would be denied all public assistance and care.

Proponents: Supporters say they feel this bill would provide a work incentive for welfare recipients.
Testifying for the bill was Representative Bailey.

Opponents: There was no opposition voiced to the committee.

HB 906 -- Power of the Highway Patrol to Make
Criminal Investigations

Sponsor: Bockenkamp, et al

Committee Action: Reported from the Govern-
mental Organizations Committee on a 9-1
vote.

This bill would increase Missouri's criminal investigatory efforts through the State Highway Patrol. The resources the Highway Patrol could allocate to investigations would be increased. First, the patrol could assign up to 50 officers to its criminal investigation division. Second, 15% of the patrol's appropriated funds could be used for this investigation function, instead of the existing 10% limit.

Fiscal Note: There would be no increased cost to the state; however, it is possible there would be a shifting of appropriations from Highway Funds to the General Revenue Fund.

Proponents: Supporters say local law enforcement officials need help with criminal investigations. The Highway Patrol already has authority to assist local officials. This bill would increase that assistance. The Highway Patrol has shown it is a career organization and not a political body. The Highway Patrol has many of the resources necessary for an investigation unit, such as facilities, laboratories, records and man power.

Testifying for the bill were Representatives Bockenkamp, Usher and Wallis, the Missouri Highway Patrol, Sheriffs of St. Francois and St. Genevieve Counties and Bob Ahsenes, University of Missouri Law Enforcement.

Opponents: Those who oppose the bill say the main function of the Highway Patrol is

traffic patrol. Giving the Highway Patrol expanded criminal investigatory powers could lead to abuses of that power. For instance, the patrol could institute a "road check" to test a motorist's headlights as a front to search the entire car. There are not adequate safeguards in the bill.

Testifying against the bill was Representative DeCoster.

HB 932, HCA 1 -- Investments By the State
Treasurer

Sponsor: Holt

Committee Action: Reported from the Governmental Organizations Committee on a 10-0 vote.

This bill deals with the investments made by the state treasurer. The first change would require that the treasurer receive an interest rate on bank time deposits of not less than the average rate being paid during the next preceding week on maturing United States Treasury bills. The present law requires the same rate of interest to be obtained.

The treasurer would be allowed to purchase United States government obligations at less than par value, plus accrued interest.

The bill would eliminate bonds of the Federal Farm Mortgage Company as approved collateral for state deposits.

HCA 1 -- This amendment would require the state treasurer to develop a formula to assure that each bank in the state shall have an opportunity to receive state deposits. The formula is to take into account what is a fair rate of return, the prevailing interest rate, the size of the bank, the responsiveness of the bank to the needs of the local community and all other factors which seem prudent and in the interest of the public welfare.

Proponents: Supporters say this bill would give the state a rate of return on its money closer to what the money market says the funds are worth. The treasury bill rate may be as much as a percentage point below what state banks are paying to obtain the funds.

Testifying for the bill were Representative Holt and the State Treasurer's Office.

Opponents: Those who oppose the bill say the existing interest rate assures that all banks in the state can have access to state funds. If a bidding procedure was instituted for state deposits, only the large city banks and the banks prone to speculation could afford state funds. This would prevent many communities from obtaining funds which could be loaned to help the community grow. Testifying against the bill was the Missouri Bankers Association. This association opposed the bill before HCA 1 was added to the bill. The amendment was added to try to meet their objections.

HCS HB 905 -- Powers of the Department of
Natural Resources

Sponsor: Russell (6th)

Committee Action: Reported from the Governmental Review Committee on a 10-0 vote.

This bill would give the Department of Natural Resources the powers and duty to carry out the following activities: assess the impact of national energy policies on the state; consult and cooperate with all state and federal agencies and all interested private sector agencies and institutions on matters of research, management, conservation and distribution; analyze the potential for utilizing the various alternative energy sources and technologies; and develop the state energy conservation programs, to include recommending energy efficient standards for energy use and preparing plans for reducing energy use in the event of a supply emergency.

Fiscal Note: The note attached to the original bill is \$220,468 for FY 1978-79 and \$168,348 for FY 1979-80.

Proponents: Supporters say this bill will enable DNR to serve as the central authority to gather data and formulate contingency plans for the state. They say this bill will concentrate energy efforts in one agency. They say the Public Service Commission and the Department of Agriculture were consulted to avoid overlapping authority. This bill will provide the statutory authority needed for a coordinated energy program. Testifying for the bill were the Office of the Governor; Carolyn Ashford, Director of DNR; and the Missouri Oil Council.

Opponents: Those who oppose the bill say there may be statutory conflict with some powers of the PSC. It was feared that the authority granted by the original bill was too broad.

Testifying against the bill was Norman Curt-right, representing the electric companies of Missouri.

HB 1445, HCA 1 -- Prohibition of Discrimination in Real Estate Loans

Sponsors: Piekarski and Sweeney, et al
Committee Action: Reported from the Urban Affairs Committee on a 9-2 vote.

This bill would prohibit financial institutions from denying a residential real estate loan or varying its terms on the basis of standards that are not economically justifiable or which are discriminatory in effect and which are associated with: the sex, race, religion, handicap or national origin of the applicant or those living in the neighborhood; the geographic location or age of the property; economic characteristics of the neighborhood; or amount of the requested loan. Lenders could still consider sound underwriting practices, such as the willingness and financial ability of the borrower to repay the loan.

If denied, the applicant must be given a written explanation for the denial. An administrative review procedure is provided aggrieved applicants, and the director of the Department of Consumer Affairs, Regulation and Licensing is given the power to issue "cease and desist" orders and assess fines of up to \$5000 per violation, plus a fine of \$5000 if the institution violates a "cease and desist" order. The bill would require annual reporting by financial institutions of the number and amount of residential loans made and denied.

HCA 1 -- The penalty for late filing of reports is changed from \$500 to \$100 per day. The director reviewing grievances is given 90 days rather than 60 days within which to investigate the complaints. The fine for violations of the act would be decreased from \$5000 to \$2000, as would the penalty for violations of "cease and desist" orders.

Proponents: Supporters say that mortgage "red-lining" is destroying neighborhoods and hampering revitalization and reconstruction.

Some institutions are cooperating with neighborhood groups, but most institutions, especially savings and loan institutions, are denying loans in the city. People are discouraged from even applying; there are no loan officers in some city branches of financial institutions. Where loans are available in "red-lined" areas, lenders are demanding higher down payments and shorter periods of amortization solely because of property age and geographic location.

The disclosure requirements wouldn't be burdensome, as the information is usually computerized and all but three items are already required to be reported by federal law. Federal law does not require reporting application denials, and this is important for an accurate picture.

The institutions would still be able to consider "sound underwriting practices", but would be prohibited from discriminating solely because of considerations that have no economic justification. The administrative review provision is an important cost-saver for complainants.

Testifying for the bill were the Mayor's office-City of St. Louis, Pride of the Southside, Legal Aid Societies of Eastern and Western Missouri, ACORN, League of Women Voters of Greater St. Louis, Missouri Housing Alliance, Housing Information Center, City-wide Coalition of Neighborhood Organizations (Kansas City), Division of Consumer Affairs, Regulation and Licensing, Division of Credit Unions, Missouri Municipal League, representatives for the mayors of Berkeley and Jennings, Missouri, and the following individuals: Carol Irvin (St. Louis), Freeman Bosley (Alderman, St. Louis), J. Watson Scott (St. Louis), Thomas A. Connelly (Alderman, St. Louis), Irene Jackson (Kansas City) and Ann G. Phelps (Kansas City).

Opponents: Those who oppose the bill dispute the existence of any mortgage "red-lining" and say that there is no substantiated need

not being met by current loan practices. The bill would mandate the making of unsafe loans, which would be irresponsible to their investors and might get the institution into trouble with supervisory institutions.

The disclosure requirements duplicate federal law and would be costly and time consuming. The bill affect only state-chartered institutions and would give federally-chartered institutions unfair advantages.

Mortgage bankers objected to their inclusion among affected financial institutions saying they are merely brokers and don't determine where the money is to be lent. Testifying against the bill were the Missouri Savings and Loan League, Greater St. Louis Savings and Loan League, Mortgage Bankers' Association of St. Louis, Kansas City Savings and Loan League, Neighborhood Housing Services, Inc., Charles F. Curry Company, James B. Nutter and Company and the Missouri Bankers' Association.

HB 1446 -- Disclosure By Financial Institutions

Sponsors: Piekarski, Sweeney, et al
Committee Action: Reported from the Urban Affairs Committee on a 10-1 vote, with one member voting present.

This bill would require financial and depository institutions to make an annual report to the Department of Consumer Affairs and Regulatory Licensing of: the number and total dollar amount of all their deposits; number and total dollar amount of residential real estate loans acquired and denied the preceding year, with reasons for any denials; amount of residential real estate loans granted. It provides that the required information be itemized by census tracts and that the reports be made available by the financial institutions to the public. The bill provides that institutions be fined \$500 per day for reports not filed before the 91st day, after the end of the institution's fiscal year.

Proponents: Supporters say the reporting requirements are reasonable and even though much of the information is now collected by the federal government, it doesn't go to any single collection point. This information is important to community groups working to improve the loan situation. The reports would also help the state to identify service areas of existing institutions and provide better information for chartering new facilities.

Testifying for the bill were the mayor's office of the City of St. Louis, Pride of the Southside, Legal Aid Societies of Eastern and Western Missouri, ACORN, League of Women Voters of Greater St. Louis, Missouri Housing Alliance, Housing Information Center, City-wide Coalition of Neighborhood Organizations (Kansas City), Division of Consumer Affairs,

Regulation and Licensing, Division of Credit Unions, Missouri Municipal League, representatives for the mayors of Berkeley and Jennings, Missouri, and the following individuals: Carol Irvin (St. Louis), Freeman Bosley (Alderman, St. Louis), J. Watson Scott (St. Louis), Thomas A. Connelly (Alderman, St. Louis), Irene Jackson (Kansas City) and Ann G. Phelps (Kansas City).

Opponents: Those who oppose the bill say the disclosure requirements would be costly and time-consuming and duplicate federal law. Savings account information reporting would be especially burdensome as there are six to eight more savings accounts than mortgage accounts and addresses change frequently. There is little public interest in reports which are currently required to be available under federal law.

Testifying against the bill were the Missouri Savings and Loan League, Greater St. Louis Savings and Loan League, Mortgage Banks' Association of St. Louis, Kansas City Savings and Loan League, Neighborhood Housing Services, Inc., Charles F. Curry Company, James B. Nutter and Company and the Missouri Bankers' Association.

HB 1377 -- Unfair Milk Practices

Sponsor: Piekarski

Committee Action: Reported from the Urban Affairs Committee on a 11-0 vote, with one member voting present.

This bill would repeal the entire chapter on Unfair Milk Sales Practices. The statute currently identifies and makes illegal certain practices involving the competitiveness of the milk processors in the state. Listed below are a few of the requirements posed upon a milk processor by this bill.

1. Milk processors should not attempt to divert trade from other competitors or try to create a monopoly over the milk processing business.
2. No bulk milk handler shall sell bulk milk, raw or pasteurized for the purpose of processing any milk product for less than he paid for it.
3. No person shall sell any milk product with other commodity or service at a combined price for less than the selling price of the same combination of products.

Proponents: Supporters say the present law is not accomplishing the purpose it was established for. It fails to protect the small milk processors, and it is causing independent retail stores not to receive their milk at a reduced cost. This bill is also damaging the Missouri milk processors' ability to compete with milk processors of other states.

Testifying for the bill were Fairmont Food Company and Jerry Shultes, Regional Manager of Fairmont Foods in Kansas City.

Opponents: There was no opposition voiced to the committee.

HB 1096, HCA 1,2,3,4 -- School Districts and
Accounting Systems

Sponsor: Goode

Committee Action: Reported from the Education
Committee on a 12-5 vote.

This bill changes the apportionment date from October 1 to September 15 and establishes school district election and operation guidelines. It would also provide for a uniform financial accounting system for all school districts. The bill has an effective date of July 1, 1980 and incurs no additional obligation of state funds.

HCA 1 -- This amendment stipulates that "each six-director district shall cause an audit examination to be made at least biannually of all financial, transportation and attendance records of the district" with procedural requirements delineated.

HCA 3 -- Within the context of HB 1096 as originally presented to the committee, the established "enumeration" method of state aid appropriation had been replaced by the "eligible pupil" method. This amendment reinstates the wordage of the bill to its original version of "enumeration".

HCA 4 -- This amendment replaces in the bill that measure of flexibility of fund disbursement the school board had under extant legislation.

Proponents: Supporters say that the accounting system provided in the bill is a needed modernization of an outdated system and has been adopted by 24 other states already. The new accounting system would be both more efficient and flexible.

Testifying for the bill were the Department of Elementary and Secondary Education, Missouri National Education Association and Missouri State Teachers Association.

Opponents: Opposition to the bill centered around the issue of transferring from the method of enumeration to eligible pupil

with opponents stressing that some districts stood to lose substantial and vital funds from the switch (Kansas City, for instance, was said to lose close to \$1 million). The crux of this opposition, however, has been mooted for the present by adoption of HCA 3.

Testifying against the bill was the Legislative Committee of the Kansas City School District.

HB 1203 -- Education of Handicapped or Severely Handicapped Children

Sponsors: McCubbin and Downing

Committee Action: Reported from the Education Committee on a 17-0 vote.

This bill provides, either directly or via contract, for a special education program for all of Missouri's handicapped or severely handicapped children. The financial responsibility of the concerned school district is established and financial aid provisions are made. The primary aim of the bill is providing for the handicapped child "the best possible adjustment in society under the limitation of his handicap". The board of education is given the authority for the promulgation of the necessary rules and regulations pursuant to this end.

Proponents: Supporters say that presently, school districts must provide for both the handicapped and for vocational-technical education. This bill would allow the voters of the district to provide for either one of the programs individually, for both of them jointly, or for neither one. It would also enable several school districts to form a special school district jointly in order to broaden the tax base and thereby make the program more economically feasible.

Testifying for the bill were the Department of Elementary and Secondary Education, Representative Downing, and the Missouri Advisory Council on Vocational Education.

Opponents: No opposition was voiced to the committee.

HB 954, HCA 1 -- Energy Stamp Program

Sponsor: Wheat and Curls

Committee Action: Reported from the Consumer Protection Committee on a 17-1 vote.

As amended the bill authorizes the Department of Social Services to establish and administer an energy stamp program by means of which the elderly can pay for heating costs. To be eligible a person must be 60 years of age, have received a termination of service notice, and be eligible for "circuit breaker" tax relief, Title XVI Social Security benefits, or food stamps. Stamps shall be purchased for one-third of face value in amounts up to \$300 per year. They may be used only for gas or electrical service which supplies the main source of a person's heating. The utility corporation providing the service will be paid the face value of stamps it receives upon presentation of them to the department and upon audit of the application for reimbursement. No charge above the actual utility charge shall be made by the utility corporation. The bill has an expiration date of June 30, 1978 and an emergency clause.

Fiscal Note: As amended, the bill would have a cost of \$1,162,261 in FY 1978-79 and \$2,066,153 in FY 1979-80.

Proponents: Supporters say that an emergency exists. Volunteer and emergency funds are exhausted. This bill applies to the elderly, who suffer most from loss of heating. It applies whether one receives service from a public utility, a cooperative, or a municipal utility. Its method of financing is open. Testifying for the bill were the Warmth and Light Fund, Concerned Citizens for Utility Reform, Metropolitan Senior Citizens Organization, Public Service Commission and individuals.

Opponents: No opposition was voiced to the committee.

Darrell Jackson, Research Analyst

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HCS HB 968 -- Energy Tax Rebate

Sponsor: Riley

Committee Action: Reported from the Consumer Protection Committee on an 11-5 vote.

The substitute permits an additional \$100 tax credit for persons qualifying for the "circuit breaker" tax credit. If the additional credit exceeds the income taxes due, the person will receive a payment of the amount in excess.

Fiscal Note: The bill would cause a decrease in general revenue of \$7,000,000 for FY 1978-79 and \$7,500,000 for FY 1979-80.

Proponents: Supporters say that a direct tax credit will involve no major administrative cost to the state and will avoid some of the problems of a stamp program.
Testifying for the bill was Representative Riley.

Opponents: No one appeared in opposition to the bill.

HB 1080, HCA 1 -- Electronic Fund Transfers Act

Sponsor: Brady

Committee Action: Reported from the Consumer
Protection Committee on a 16-1 vote.

This bill comprehensively specifies the conditions for the operation of remote financial terminals by banks, savings and loan associations, credit unions and consumer finance companies. It allows a financial institution to install terminals in its service area (defined in the bill) and requires that any financial institution be allowed to share the use of any terminal in its service area upon payment of a nondiscriminatory fee. Retailers are given the right to negotiate the terms under which remote terminals will be installed on their premises. The supervisory agency which regulates each kind of financial institution must approve participation in electronic fund transfers by any state chartered institution. The supervisors are required to coordinate their regulation of electronic fund transfers through a joint committee within the Department of Consumer Affairs, Regulation and Licensing. The bill requires measures to safeguard the security of funds and information and the confidentiality of information gathered. A detailed statement of customer rights and responsibilities is made.

Proponents: Supporters say that electronic financial services will give consumers one more alternative method of conducting their financial business. Electronic fund transfers are already allowed for thrift institutions. If banks are allowed to use electronic fund transfers and there is an expansion of remote financial services in Missouri, this expansion should take place in a closely supervised manner with safeguards to preserve the competitive balance among financial institutions and to protect consumer choices.

Testifying for the bill were the Consumer Protection Subcommittee on EFT and Representative Rollins.

Opponents: Those who oppose the bill say that although this is a good bill the state should wait to see what action is taken at the federal level.

Testifying against the bill was the Missouri Independent Bankers' Association.

HCS HB 1255 -- Performance Bond for Home Im-
provement Work

Sponsor: Riley

Committee Action: Reported from the Consumer
Protection Committee on a 20-0 vote.

This bill requires home improvement contractors who do not have an established place of business within the state and within one hundred miles of the place where the work is to be done to post a performance bond with the county clerk in the amount of the work to be done.

Proponents: Supporters say that homeowners are often taken advantage of by "fly-by-night" home improvement contractors. This bill would protect homeowners. Reputable contractors already post bonds for work they do.

Opponents: No opposition was voiced to the committee.

— HB 1362, HCA 1 -- Taxation of Credit Unions

Sponsor: Riley

Committee Action: Reported from the Consumer
Protection Committee on a 16-1 vote.

The bill repeals the two percent intangible tax on credit union deposits and replaces it with a nine-percent (HCA 1) tax on net receipts.

Fiscal Note: Not available on bill as amended.

— Proponents: Supporters say that the intangible tax on deposits is regressive. It was repealed in 1972 on bank accounts and stocks and bonds. The bill simply does the same thing for credit unions.

Testifying for the bill was the Missouri Credit Union League.

Opponents: No opposition was voiced to the committee.

HCS HBs 1359, 1360, 1361, 1363 -- Credit Unions

Sponsor: Riley

Committee Action: Reported from the Consumer Protection Committee on a 19-1 vote.

The substitute makes a number of changes in the chapter on credit unions. Some of them are:

- 1) Credit unions are allowed to charge the same interest rates as other lenders. At present they can charge only one percent per annum.
- 2) Use of mail ballots for elections of credit union officers is permitted.
- 3) Investment powers of the board of directors may be delegated.
- 4) Funds in a central credit union are exempted from the 25% limit on investments of a single type.
- 5) The fiscal year and reserve requirements are changed to conform to federal requirements.
- 6) State supervision is extended to out-of-state credit unions with offices in the state.

Proponents: Supporters say that all the changes proposed are critically needed. For example, the change in allowable interest rate is needed to bring the credit union chapter into conformity with the constitutional prohibition of rate regulation by type of lender.

Opponents: No opposition was voiced to the committee.

HB 1346 -- Relating to Workmen's Compensation

Sponsor: Sego

Committee Action: Reported from the House Workmen's Compensation Committee on a 7-0 vote.

The bill excludes third parties, such as architects and engineers, from liability under workmen's compensation when their actions are not the prime cause of injury or death or when injury or death is caused by the employer's negligence.

Proponents: Supporters say the bill removes an unreasonable liability against third parties who under the current law are liable for damages, even when they have no direct or indirect involvement in the accidental injury.

Testifying for the bill were Representative Sego, Missouri Council of Architects and Black and Veatch (Kansas City Architectural Firm).

Opponents: No opposition was voiced by witnesses. However, some committee members suggested that recovery against third parties was the worker's only means of increasing the substandard income received under workmen's compensation.

HB 1165 -- Regulation of Cultured Fish

Sponsor: Butts and DeCoster, et al
Committee Action: Reported from the Agriculture
Committee on a 27-0 vote.

The bill gives the Department of Agriculture the authority to make rules regulating the breeding, raising, processing and sale of cultured fish. Cultured fish are not to be considered wildlife or fish resources, and are not to fall under the authority of the Department of Conservation as they presently do.

Fiscal Note: The bill would decrease the General Revenue Fund by \$25,416 for FY 1978-79 and by \$23,122 for FY 1979-80.

Proponents: Supporters say they are not content with being under the control of the Conservation Commission and feel services the Department of Agriculture is capable of providing, would be a great benefit to the cultured fish business. Fish are an important source of protein and they feel the cultured fish business in Missouri should be encouraged and assisted as much as possible.

Opponents: No opposition was voiced to the committee.

HCS HB 1124 -- Noxious Weeds

Sponsor: Osbourn

Committee Action: Reported from the Agriculture Committee on a 18-2 vote, with one member voting present.

The bill establishes a system by which the noxious weeds musk, scotch, and Canada thistles may be eradicated. Any person who knowingly allows these thistles to grow on his lands shall pay a fine of \$25 for every such offense. Each day is considered a separate offense. All funds shall go into the county eradication fund.

The owner would be given 30 days to eradicate the thistle before the fines begin. Before the county court can proceed to eradicate the thistle it must notify the owner, by certified mail, of its intentions. From the time of refusal of acceptance of the letter or from the date of return receipt, the owner has 30 more days to eradicate the thistle.

Proponents: Supporters say the thistles create a problem for farmers and cattlemen, particularly in northern Missouri. The weeds spread rapidly from farm to farm, destroying valuable grazing and crop land. A uniform system of eradication is needed because the rapid spread of the weeds makes the eradication efforts of a few landowners useless. Testifying for the bill were the Missouri Farm Bureau, the State Department of Agriculture and the Missouri Farmers Association.

Opponents: No opposition was voiced to the committee.

HB 1474 -- Land Improvement Contractor's Fees

Sponsor: Mathewson

Committee Action: Reported from the Agriculture Committee on a 26-0 vote.

The bill sets the annual registration fee for land improvement contractor's commercial motor vehicles at \$350. The maximum gross weight for such a vehicle is 73,280 pounds. The bill would enable vehicles to get such a license for the purpose of moving their vehicles to a place within 100 miles for repair and within 25 miles to do work involving soil and water conservation.

Fiscal Note: The bill would increase state funds for FY 1978-79 by \$41,471.

Proponents: Supporters say that under the present statutes land improvement contractors have to buy a beyond local license which can cost up to \$1,050.50 just to get their vehicles to a place for repairs. They feel this will increase revenues because contractors will still buy beyond local licenses and many who presently do not buy any sort of license will buy this type.

Testifying for the bill were Fabic and Company, contract equipment; the Missouri Association of Land Improvement Contractors; and Bill Ardent, private citizen.

Opponents: Those who oppose the bill say there is a potential for a decrease in revenues because some who buy commercial licenses will not continue to do so. They, also, feel this is special-interest legislation that could set a precedent.

Testifying against the bill was the Missouri Highway Department.

HB 1000 -- Hospital Pensions

Sponsor: Downing

Committee Action: Reported from the Fees, Salaries and Retirement Committee on a 7-2 vote, with one member voting present.

The proposal would allow publicly supported hospitals to be exempt, just as political subdivisions are, from Section 70.600 to 70.670. These sections pertain to pensioning of officers and employees, their widows and minors. The bill would give the pensioning power to the governing body of the hospital rather than the state.

Proponents: Supporters say only one county and city hospital participates in the Missouri Local Government Employees Retirement System. They feel this low level participation is an indicator that something is wrong with the retirement system. Testifying for the bill were the Missouri Hospital Association and Bob Stewart, Laboratory Supervisor of the hospital in Fayette.

Opponents: There was no opposition voiced to the committee.

HB 1022 -- Local Government Employees
Retirement System

Sponsor: Reported from the Fees, Salaries and Retirement Committee on a 9-0 vote, with one member voting present.

The bill includes secretaries paid by the University of Missouri Extension Council in the Missouri Local Government Employees Retirement System.

Proponents: Supporters say the secretaries should be included in a pension system and coverage by LAGERS is the best method available.
Testifying for the bill was the Missouri Local Government Employees Retirement System.

Opponents: No opposition was voiced to the committee.

HB 1122, HCA 1 -- Compensation of Court
Reporters

Sponsor: Griffin

Committee Action: Reported from the Fees, Salaries and Retirement Committee on a 8-2 vote, with one member voting present.

This bill increases court reporters salaries from \$15,000 per year to \$25,000 per year.

HCA 1 -- It would reduce the proposed new salary to \$22,200.

Fiscal Note: Without HCA 1 the cost for FY 1978-79 would be \$578,655 and for FY 1979-80 it would be \$661,342, from general revenue.

Proponents: Supporters say court reporters have not had a pay increase since 1969. Even though this increase might seem large, the cost-of-living increase justifies it.
Testifying for the bill was Judge Robert Bell, Macon, Missouri.

Opponents: No opposition was voiced to the committee.

HB 1241 -- Sheriff Compensation

Sponsor: Copeland

Committee Action: Reported from the Fees, Salaries and Retirement Committee on a 9-0 vote, with two members voting present.

The bill raises the mileage fees, for all sheriffs, from 15 cents to 20 cents per mile. The maximum allowable would be \$400 per month.

In addition to present duties, a sheriff beginning a new term in third and fourth class counties shall, once a month, file a statement of all miles traveled in unsuccessful attempts to serve civil process with the county clerk of the county in which he is serving. He shall obtain 20 cents a mile for performing this duty.

Fiscal Note: The decrease in general revenue is \$79,119 for FY 1978-79 and \$105,350 for FY 1979-80.

Proponents: Supporters say the average cost of operating a car is 20.1 cents per mile. They feel this bill would help the deputies more than the sheriffs because they are restricted to 15 cents a mile and travel up to 2000 miles a month. In some counties deputies put 50,000 miles a year on a car. They are not reimbursed for this added expense.

Testifying for the bill were the Missouri Sheriffs Association and Cole County Sheriff Wyman Bassinger.

Opponents: There was no opposition voiced to the bill in committee.

HCS HB 1399 -- Fees Charged By Certain County
Officials

Sponsor: Randall

Committee Action: Reported from the Fees, Salaries and Retirement Committee on a 9-0 vote, with two voting present.

The bill deletes some of the duties presently required of county clerks and sheriffs and raises the fee paid for certain other duties required of them. Also, the county collector's fee for issuing merchants licenses is raised from fifty cents to \$12. Also, the bill authorizes county courts of all classes, rather than just the first, to issue a license tax on certain amusement organizations and machines.

Proponents: Supporters say the work load of these county officials has increased greatly, as has the cost of living. They also feel the license tax on amusements will bring much needed revenue into the counties. Testifying for the bill were Representative Bockenkamp and Representative Randall.

Opponents: No opposition was voiced to the committee.

HB 1467, HCA 1 -- Interstate Nonresident Traffic
Violators Compact

Sponsors: Jones and Usher

Committee Action: Reported from the Transportation Committee on a 13-0 vote.

This bill creates an inter-state compact which would provide that any person arrested for a traffic violation and who is a resident of another state would not have to post bail to secure appearance for trial. If the person arrested fails to comply with the terms of the traffic ticket, a warrant may be obtained and reported to the licensing authority in the state where the arrest was made. The local licensing authority would notify the licensing authority of the person's home state where they would start license suspension proceedings against such motorist.

This compact would allow state administrators to furnish any necessary information whenever needed.

This compact would become effective in Missouri when it has been adopted by at least one other state. Any state may withdraw from this compact by repeal of the law adopting this compact and by giving notice to the other state.

The provisions of this compact will not apply to parking violations, highway weight limit violations and violations of the laws governing the transportation of hazardous materials.

Fiscal Note: A fiscal note of \$13,959 for FY 1978-79 and \$16,215 for FY 1979-80 is attached to the bill.

Proponents: Supporters say this compact will insure an equitable way of treating people with traffic violations, coming into the state, as well as Missouri violators, in other states. With the passage of this compact, nonresidents would no longer be delayed because of the problems of providing bail. Law enforcement would be aided by this compact because of the transfer of information agreement.

HB 1181 -- Air Search and Rescue

Sponsors: Heflin and Young

Committee Action: Reported from the Transportation Committee on a 11-1 vote.

This bill would create the "Office of Air Search and Rescue" within the office of the Adjutant General. The Civil Air Patrol is currently performing search and rescue missions.

Fiscal Note:

FY 1978-79
\$32,905

FY 1979-80
\$43,570

Proponents: Supporters say this bill would authorize reimbursement for actual expenses incurred in the service of the state which will help aid air search and rescue. Creation of the office would enable the state to receive federal grants for operation of search and rescue missions that are unavailable at the present time.

Testifying for the bill was the Missouri Civil Air Patrol.

Opponents: There was no opposition voiced to the bill in committee.

HB 1279, HCA 1 -- Public Assistance

Sponsor: Goward

Committee Action: Reported from the Social Services and Medicaid Committee on a 5-0 vote, with two members voting present.

This bill would change the eligibility requirement on property owned. A homestead exemption would be established by exempting the real property occupied by the claimant or children as the home and includes personal property and effects in the home, and reduces the total property maximum from \$10,500 to \$5,000 in determining eligibility. The present maximum of \$10,500 includes the property occupied as the home, personal property and effects in the home.

This bill would clean up certain areas in the statutes that are duplicatory and also sets out, by statute, the appeal rights of applicants and recipients of public assistance as required by federal statute.

This bill would also set up a medical subrogation fund for collection of medical assistance payments from third party medical vendors.

Fiscal Note:

FY 1978-79	FY 1979-80
\$2,991,938	\$3,749,847
Source of Funds	
\$ 329,113	\$ 412,482
(General Revenue)	
\$2,662,825	\$3,337,355
(Federal Funds)	

Proponents: Supporters say this bill is needed because it cleans up certain areas in the statutes that are duplicatory or contradictory and brings certain areas into conformity with federal language. Due to inflation, property values have increased, and the present \$10,500 maximum is not adequate today.

Testifying for the bill was the Department of Social Services

(Opponents: There was no opposition voiced to
the committee.

HB 1114 -- Election of State Party Committee
Chairman

Sponsor: Smith (46th), et al
Committee Action: Reported from the Elections
Committee on a 7-4 vote.

This bill would change the procedure for selection of a state party chairman by removing the requirement that the candidate for chairman be a committee member. Upon his or her selection, the chairman would become a member if not already one.

Proponents: Supporters say in the past when a governor has wished to select a chairman for the State Committee, it has been necessary for someone currently on the committee to resign to make a place for the governor's designated candidate. This bill would make it possible for the chairperson to be elected without forcing the resignation of a duly elected member of the committee.
Testifying for the bill was the Missouri Democratic State Committee.

Opponents: No opposition was voiced to the committee.

HB 1614 -- Organization of School Boards

Sponsor: Kenton

Committee Action: Reported from the Elections Committee on a 6-0 vote, with one member voting present.

This bill would provide that newly elected county school board members would meet and organize in July rather than immediately after their election in April.

Proponents: Supporters say delaying the date that newly elected members are to take office would alleviate confusion and improve organization.

Testifying for the bill was Representative Kenton.

Opponents: No opposition was voiced to the committee.

HCS HB 1276 -- Composition and Organization of
Political Party Committees

Sponsor: Christian, et al

Committee Action: Reported from the Elections
Committee on a 7-1 vote.

This bill would make changes and clarifications in several sections of Chapter 115, RSMo Supp. 1977, governing composition and organization of political party committees.

It would provide for the organization of legislative district committees, and would change the composition of nominating committees in congressional districts wholly contained in one county but smaller than the county. Composition of the party state committee would also be changed, and the bill would add a provision dealing with procedure should a vacancy occur on any of the nominating committees.

Proponents: Supporters say the bill would improve current law which is unclear, and would allow more equitable representation on committees. The present statute refers to legislative district committees, but makes no provision for their organization and present composition of some committees violates the one man-one vote rule.

Testifying for the bill were Representative Christian and the Secretary of State.

Opponents: No opposition was voiced to the committee.

HCS HBs 949 and 1266 -- Relating to the Human
Rights Commission

Sponsor: Vossmeier

Committee Action: Reported from the Govern-
mental Review Committee on a 10-0 vote.

This bill would extend protection against discrimination in housing, employment and use of public accommodations to handicapped persons. The handicapped person must meet any bonafide occupational qualification in order to be protected under this bill. No employer is required to give preferential treatment to any individual in order to correct an imbalance with respect to number or percentage of handicapped employees. Protection from discrimination on account of sex is also included in those provisions of chapters 213, 296 and 314, where it is not currently listed. This will insure uniformity throughout these sections. This bill authorizes complaints to be heard by either a panel of at least three commission members or by a hearing examiner approved by the commission. The findings of an examiner shall be reviewed by the commission. A hearing examiner must be licensed to practice law in this state. This bill provides for the awarding of actual damages in cases of housing and other discriminatory practices. An unlawful employment practice may be remedied by an order to hire the aggrieved person.

Fiscal Note: Revised fiscal note not completed
at time of publication.

Proponents: Supporters say the hearing examiners are necessary to cut into the backlog of cases before the HRC. Cases can be handled much faster if hearing examiners are authorized to hear the complaints. They say the handicapped need the protection of the law against discrimination. Currently the handicapped have no recourse. Thirty other states now extend some form of protection to the handicapped. They say the word sex should be inserted in some of these sections to promote uniformity throughout the statutes.

Testifying for the bill were Representative Barry; Representative Curls; Al Brooks, Chairman, Human Rights Commission; Robert Tyler, Executive Director of HRC; Missouri Association for Retarded Citizens; and the Director of the Department of Labor and Industrial Relations.

Opponents: No formal opposition was voiced to the committee.

HB 1549 -- Department of Natural Resources
Revolving Fund

Sponsor: Nilges

Committee Action: Reported from the Fiscal
Affairs Committee on a 4-1 vote.

This bill authorizes the Department of Natural Resources to establish a revolving fund. Monies received from the sale of maps, plats, reports, studies and records shall go into this fund. The fund shall be used for the purpose of reprinting these maps, plats, reports, studies and records.

Fiscal Note: The service will require no additional revenue.

Proponents: Supporters say a revolving fund would enable divisions of the Department of Natural Resources such as the Division of Geology and Land Survey, Air Quality Program, and Division of Parks and Recreation to cover the cost of producing various books and pamphlets. They could produce more detailed books funded by public sale, rather than appropriations from General Revenue.
Testifying for the bill was the Department of Natural Resources.

Opponents: No opposition was voiced to the committee.

HB 1091 -- Golden Age Passports

Sponsor: Ellis

Committee Action: Reported from the State Parks, Recreation and Natural Resources Committee on a 10-0 vote, with two members voting present.

The bill would enable persons 65 years of age or older and persons permanently disabled to obtain a Golden Age Passport from the Department of Natural Resources. This passport would reduce by one-half the fee charged for the use of public services, privileges, conveniences and facilities established by the Department of Natural Resources.

Fiscal Note: The bill would decrease the State Park Fund for FY 1978-79 by \$44,069 and for FY 1979-80 by \$95,433.

Proponents: Supporters say the lower fees would make it easier for the elderly, on fixed incomes, to take advantage of the recreational facilities in the state park system.
Testifying for the bill was Representative Ellis.

HB 1153 -- Animal Cruelty Bill

Sponsor: Mathewson

Committee Action: Reported from the State Park,
Recreation and Natural Resources Committee
on a 12-0 vote.

The bill increases the penalty for abandonment and cruelty to animals to that of a class B misdemeanor. This consists of a fine of not more than \$500.00, or imprisonment in the county jail for not less than 30 days nor more than six months, or both. Also the new provisions would decrease the cause for penalty from that of abandonment to die to that of simple abandonment.

Proponents: Supporters say the bill would enable those responsible for animal control to prosecute persons who abandon animals without having to prove these persons abandoned the animals to die. This would help reduce the problem of strays and the cruelty imposed upon these animals by hunger and coldness. Testifying for the bill were the Missouri Humane Society, the Columbia Humane Society, and Dr. Robert Gouge, D.V.M.

Opponents: No opposition was voiced to the committee.

HB 1428, HCA 1 -- Management of Health Care
Programs

Sponsor: Holt

Committee Action: Reported from the State
Institutions and Property Committee on a
5-1 vote.

This bill establishes a coordinating board with-
in the Division of Health for the purpose of
formulating and carrying out joint health care
programs with the University of Missouri. The
administrative work of the board shall be car-
ried out by an administrative officer within
the division. Employees from the university
and the division can participate in the joint
programs without loss of benefits from their
primary programs. Funds allocated to the uni-
versity or the division, as well as funds spe-
cifically allocated to the programs, may be
used to pay for the joint programs.

Fiscal Note: It is in preparation.

Proponents: Supporters say that cooperation
between the Division of Health and the Uni-
versity of Missouri has been difficult be-
cause of a lack of funding structure adapted
to such cooperation.

Testifying for the bill was the University
of Missouri.

Opponents: Those who oppose the bill say that
as originally written, powers given to the
coordinating board were too broad. HCA 1
is addressed to this.

Testifying against the bill was the Missouri
Osteopathic Association.

HCS HBs 1088, 1464, 1654 -- Motorized Bicycle
Regulation

Sponsor: Quarles

Committee Action: Reported from the Motor
Vehicle and Traffic Regulation Committee
on a 6-0 vote.

This bill defines "motorized bicycle" as a bicycle with fully operative pedals for propulsion by human power and a motor with a cylinder capacity of not more than fifty cubic centimeters. Motorized bicycles would be subject to most of the same restrictions and regulations as bicycles.

Operators of motorized bicycles must have a valid operator's or chauffeur's license.

Fiscal Note: Revised fiscal note not prepared
at time of publication.

Proponents: Supporters say they feel motorized bicycles should have the same regulations as bicycles because motorized bicycles are basically bicycles with a small fifty cubic centimeter motor. Presently, motorized bicycles are regulated as motorcycles.
Testifying for the bill were Representative Buechner and the Missouri Highway Patrol.

Opponents: No opposition was voiced to the committee.

HB 1691 -- Establishment of a College of
Optometry at UMSL

Sponsor: Russell (58th), Goode, et al
Committee Action: Reported from the Public
Health and Safety Committee on a 11-3 vote,
with one member voting present.

This bill would authorize the Missouri Coordinating Board for Higher Education to negotiate and enter into an agreement with other states for the establishment of a regional college of optometry at the University of Missouri at St. Louis. Provisions of the agreement must be that federal funds furnish 80% of construction costs and that each state's annual operating costs would be pro rated on a per student basis.

Fiscal Note: The attached fiscal note for FY 1978-79 (10½ mos.) shows a cost of \$700,000, which will be supplied by federal start-up incentive funds. The cost for FY 1979-80 is \$998,975 of which Missouri would pay 50%, \$499,488.

Proponents: Supporters say there is a need, in Missouri, for optometrists because the average age of these practitioners is rising and, with retirements, the number may soon become critical, thus, affecting the eye health care in this state. There are only three optometry schools west of the Mississippi where federal funds are available for regional health professional schools. This college will be built only after firm agreements with other states. The site chosen is St. Louis because the college can be accredited only if it is located in a city of greater than 200,000 inhabitants.

Testifying for the bill were Representative Goode, the Commissioner of Higher Education, the President of the University of Missouri and the Missouri Optometric Association.

Opponents: Those who oppose the bill say that these eye health care needs are exaggerated because they have not taken into account the eye care given by ophthalmologists who are M.D.s. Although no other opposition was voiced, caution was sounded that 1) the University of Missouri system presently has no funds available for the college and new appropriations are absolutely necessary and 2) the agreements with other states must be absolutely secure commitments before construction is commenced.

Testifying against the bill was David A. Spaulding, M.D., an ophthalmologist.

HCS HB 1020 -- Legal Definition of Death

Sponsor: Downing and Griffin, et al
Committee Action: Reported from the Public Health and Safety Committee on a 9-4 vote, with two members voting present.

This bill recognizes death as 1) the irreversible cessation of spontaneous respiration and circulation, if these functions are not being artificially maintained, and 2) the total and irreversible cessation of brain function, i.e., brain death, if respiration and circulation are being artificially maintained.

Proponents: Supporters say that this legislation is necessary because vital functions can be maintained mechanically and the occurrence of death in this situation, as well as in the traditional view, must be recognized by law. It would allow the physician to use brain death legally as a criterion for death.

Testifying for the bill were Representative Downing, Representative Griffin and the Missouri Catholic Conference.

Opponents: No opposition was voiced to the committee.

HB 1142, HCA 1 -- Open Formulary and Co-payment
of Medical Assistance

Sponsor: Roderick, et al
Committee Action: Reported from the Public
Health and Safety Committee on a 13-0 vote,
with two voting present.

This bill would not allow the Division of Family Services to restrict availability of any drug to Medicaid recipients provided the drug is officially listed in the U.S. Pharmacopeia, i.e., the bill would allow an open formulary.

HCA 1 -- Requires Medicaid recipients to pay a co-payment for non-federally mandated medical services which include dental and optometric services and prescriptions.

Fiscal Note: The attached fiscal note lists costs to the state in FY 1978-79 (10 ½ mos.) as \$2,978,151 with \$4,561,462 as federal costs and in FY 1979-80 as \$3,741,017 with \$5,729,911 as federal costs. Although it is estimated that the open formulary will increase state Medicaid payments, the co-payment amendment will offset part of this increase through the co-payment itself and through estimated decrease in utilization.

Proponents: Supporters say this bill is necessary because Medicaid recipients are being treated as second-class citizens due to the fact that they are restricted from obtaining certain drugs. A closed formulary is no cheaper than an open one because hospital and physician's fees increase when persons cannot get required medications. The co-payment amendment of the bill would reduce Medicaid costs to the state through the actual co-payment and through decreased utilization and would instill greater responsibility in health care to the individual re-

ipient. Utilization has decreased as much as 20% in some states.

Testifying for the bill were Representative Roderick, the Division of Family Services, Jackson County Human Relations and Citizen Complaints, and Max Kaufman.

Opponents: No opposition was voiced to the committee.

HCS HB 1668 -- Pay Increase for St. Louis
Police Officers

Sponsor: Zych

Committee Action: Reported from the Municipal Corporations Committee on a 4-0 vote, with one member voting present.

This bill would provide for a payraise for all St. Louis City commissioned police officers consisting of \$1,916 for the first year and \$822.33 per year for the two years thereafter, plus a cost-of-living raise based on the cost-of living index.

Four additional holidays and time-and-a-half payment for overtime are included in the bill. It would also increase the number of corporals in the St. Louis Police Department to 400 and would provide that the police board "shall" (rather than "may") provide insurance benefits for retired officers and employees of the department.

The bill has an emergency clause with an effective date of May 1, 1978.

Proponents: Supporters say the pay increases over the three-year period are intended to bring police salaries up to the federal governments' intermediate income level budget for a family of four in the St. Louis area. This bill applies only to the city of St. Louis and would cost the state nothing as it comes out of city funds. Increasing the number of corporals is necessary because of the current widespread practice of having patrolmen work as "acting sergeants" for extended periods with no additional pay. Time-and-a-half for overtime instead of the current straight pay would raise morale and efficiency and supporters say that even at the increased rate, overtime costs would be \$300,000 less than the \$1,300,000 allocated by the department for the current year. Supporters also say that a three-year bus driver in St. Louis is paid a dollar/hour more than a three-year police officer and that a sixteen-city survey showed St. Louis police to have the highest rate of job dissatisfaction and stress-related illnesses.

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Testifying for the bill were Representative Zych, the St. Louis Police Officers Association, and the St. Louis Firefighters.

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Opponents: Those who oppose the bill say that Mayor Conway doesn't oppose a pay raise, but believes it should be the same for all city employees and the city can't afford a \$1,900 increase for all employees.
Testifying against the bill was Joseph Balsher, Executive Secretary to Mayor Conway.

HB 980 -- Sales of Intoxicating Liquors

Sponsor: Blassie

Committee Action: Reported from the Local Government and Related Matters Committee on a 9-0 vote, with one member voting present.

The bill regulates the hours of one licensed to sell intoxicating liquor particularly on weekends and public election and nomination days. It also extends to 5% beer the hours permissible for sale that is presently reserved exclusively for 3.2% beer.

Proponents: Supporters say that presently 3.2% beer is actually about 4% by volume, and this legislation would effectually eliminate 3.2% beer. By eliminating the 3.2% beer and letting "light" beer fall within purview of the 5% requirements, a great contribution would be added to the uniformity of beer laws.

Testifying for the bill was the United States Brewers Association.

Opponents: Those who oppose the bill say that this would permit local neighborhood taverns to be open on Sundays, and they oppose any Sunday openings.

Testifying against the bill was the Missouri Baptist Convention.

HB 1129 -- Liquor Control and Certain Liquor
Licenses

Sponsor: Riley

Committee Action: Reported from the Local
Government and Related Matters Committee
on a 12-0 vote.

(This bill provides for the creation of a "wine picnic license", a "wine package license", and a "wine by the drink license". The central aim of the bill is to provide retail wine licenses, without the encumbrance of a full liquor license, in an attempt to stimulate the production and sale of wine "domestic" to Missouri. Substitution for "foreign" ingredients used in the production of "domestic" wine is prohibited unless specifically authorized and business ownership qualifications are set forth. A license fee schedule is established and penalty provisions made for violations.

(Fiscal Note: Under present assumptions, various license sales within the scope of this legislation would generate \$5,615 for FY 1978-79 and \$8,000 for FY 1979-80. However, it is projected that certain other licenses now being issued would no longer be sold creating a revenue loss of \$22,500 in FY 1978-79 and of \$30,000 in FY 1979-80.

(Proponents: Supporters say this bill would allow certain restaurants to purchase a liquor license exclusively for the sale of wine and thereby not be encumbered by a full liquor license. It was noted that at one time, Missouri was a major producer of wine grapes and the passage of this bill would be an agricultural stimulation and promote Missouri toward that status once again.

(Testifying for the bill were the Missouri Grape Growers, Stonehill Winery, City of Clayton, St. Louis Mucicipal League, State of Missouri Municipal League and Bardenheier Wines.

(Opponents: No oppcsition was voiced to the
Committee.

(Mike Sharp, Christy Research Fellow

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HB 1193, HCA 1 -- Salvaging Junked Motor Vehicles

Sponsor: Ottinger

Committee Action: Reported from the License
and Related Matters Committee on a 6-0 vote.

This bill requires the licensing of auto salvage dealers by the Department of Revenue and provides for regulation of the salvage business.

HCA 1 -- Would increase salvage dealer's license fees from \$20 to \$50 per year.

Fiscal Note: Decrease in the State Highway Fund

FY 1978-79	FY 1979-80
(10½ months)	
\$17,812	\$9,625
(HCA 1 would alter these figures.)	

Proponents: Supporters say that the bill is needed to prevent dishonest dealers from distributing stolen auto parts and driving honest dealers out of business with lower prices on fenced goods.

Testifying for the bill were the Missouri State Highway Patrol, the Missouri Association of Salvage Dealers and Automobile and Truck Recyclers and the Automotive Dismantlers and Recyclers of America.

Opponents: There was no opposition voiced to the committee.

HB 1157 -- License Renewal of Hearing Aid Dealers

Sponsor: DePasco

Committee Action: Reported from the License
and Related Matters Committee on a 6-0 vote.

The bill requires persons who sell or fit hearing aids to furnish proof of completion of a training course approved by the State Department of Consumer Affairs, Regulation and Licensing before a license can be issued to them.

Proponents: Supporters say that the bill is needed to insure that hearing aid dealers and fitters keep up with the latest advances in the field.

Testifying for the bill were the Missouri Association of Licensed Hearing Aid Dealers and the Department of Consumer Affairs, Regulation and Licensing.

HB 1104, HCA 1 -- Contributory Negligence

Sponsor: Seay

Committee Action: Reported from the Civil and Criminal Justice Committee on a 8-0 vote.

This bill would have contributory negligence act as a bar if the claimant's negligence is greater than the defendant's negligence. In other cases, the claimant's negligence will diminish his recovery in proportion to his negligence, but will not bar his claim. Assumption of risk shall be treated as contributory negligence.

HCA 1 -- Preserves the humanitarian doctrine and changes the effective date to January 1, 1979.

Proponents: Supporters cite the Missouri Supreme Court case of Epple v. Western Auto Supply Company, in which the court called for the legislature to pass comparative negligence legislation or the court would adopt it by case law. Juries now use comparative negligence in making awards. Comparative negligence standards have been used in Federal Employers' Liability Act cases.

Testifying for the bill were Representative Seay; John Milholland, Attorney, Harrisonville, Missouri; Judge Orville Richardson, St. Louis, Missouri; MFA Insurance Company; and American Insurance Association.

Opponents: No opposition was voiced to the committee.

HB 1171 -- Promulgation of Rules for Treated
Lumber

Sponsors: Russell (6), Sharpe (13) and Osbourn

— Committee Action: Reported from the Civil and
Criminal Justice Committee on a 7-1 vote.

This bill gives the director of the Department of Agriculture power to promulgate rules dealing with chemically treated lumber products. Any rule promulgated would expire in two years unless approved by the General Assembly and the governor. The director of agriculture has the power to issue and enforce "stop sale, stop use or removal" orders and to seek injunctions.

Fiscal Note: A fiscal note of \$552 for FY 1978-79 and \$172 for FY 1979-80 is attached to the bill.

Proponents: Supporters say this bill will protect the consumers of treated wood products since it establishes standards for the industry and provides a means to enforce those procedures.

Testifying for the bill were Representative Russell (6), Missouri Department of Agriculture, Missouri Forest Products Association and the Missouri Farmers Association.

Opponents: There was no opposition voiced to the bill in committee.

HB 1289, HCA 1,2 -- Adjutant General-Emergency
Planning

Sponsor: Proffer

Committee Action: Reported from the Federal-
State Relations and Veterans Affairs
Committee on a 12-2 vote.

The bill revises chapter 44 of the Statutes regarding civil defense. It creates a "Civil Preparedness Agency" which is to prepare a "State Disaster Plan" and coordinate federal, state and local disaster planning and activities. Counties are required and other political subdivisions allowed to establish organizations for disaster preparedness. (The governor may require inter-jurisdictional organizations.) The governor's powers are defined, and compensation for property requisitioned during an emergency is provided for.

HCA 1 -- Changes from 60 to 30 days the period for which the governor may suspend zoning and other regulations in order to provide temporary housing for disaster victims and makes other technical changes.
HCA 2 -- Deletes a provision giving the proclamations of the governor the force of law.

Proponents: Supporters say that the bill is needed to update Missouri's emergency preparedness capabilities.
Testifying for the bill was the Adjutant General's office.

Opponents: While no one testified against the bill, some members of the committee thought too much power was being given to the state and the governor.

HB 957 -- Dental Insurance Benefits for State Employees

Sponsor: Williams (78th)

Committee Action: Reported from the Insurance Committee on a 7-0 vote, with one member voting present.

This bill would add dental benefits to insurance benefits provided to employees who are members of the Missouri State Employees' Retirement System, the Judicial Retirement System, and the Highway Employees' and Highway Patrol Retirement System. State contribution toward the insurance benefits would remain the same, as individual employee's contributions would be raised to pay the higher premium rates.

Proponents: Supporters say that offering dental benefits would help to attract and retain employees. The retirement system board of trustees would contract for benefits which typically would pay different percentages of the dental costs depending on the category of work done (ranging from preventive care through orthodontics), costing approximately \$5.00 per month for each member. Emphasis on preventive care would help contain costs. Testifying for were Dr. Joseph Hagan, a practicing dentist in Crystal City, Missouri and the Division of Insurance.

Opponents: No opposition was voiced to the committee.

HB 1112 -- Regulation of Rates and Rating
Organizations

Sponsor: Seay

Committee Action: Reported from the Insurance
Committee on a 8-0 vote.

This bill would add reciprocals and inter-insurance exchanges to those companies subject to regulation of rates and rating organizations (sections 379.017 and 379.316-379.361).

Proponents: Supporters say that reciprocals and inter-insurance exchanges were inadvertently left out of the law and they consider themselves to be covered by it. The bill would correct the accidental omission. Testifying for the bill were the MFA Insurance Company and the Division of Insurance.

Opponents: No opposition was voiced to the committee.

HB 1177, HCA 1 -- Blind Bidding for Motion
Pictures

Sponsor: Heflin

Committee Action: Reported from the Banks and
Financial Institutions Committee on a 10-8
vote, with one member voting present.

- This bill would prohibit blind bidding for motion pictures in Missouri. No negotiations for the exhibition or licensing of a motion picture could take place before the motion picture has been trade screened within this state. This bill provides that distributors shall give reasonable notice to exhibitors of all trade screenings within this state. The notice shall include information on when and where bids for the exhibition of a motion picture will be opened and announced.

Proponents: Supporters say exhibitors may not know, at the time of bidding, the picture's cost, its story or its rating. They say the distributors may pass off bad pictures which the exhibitors are ashamed to show, but which they are contractually bound to exhibit. With the elimination of blind bidding, the film makers may think twice before using unnecessary foul language, violence and gratuitous sex in their pictures. They say blind bidding has an inflationary impact. Theatres raise prices to recoup losses on bad pictures that were blind bid. They say operating a theatre in a small town is no longer profitable because the owner cannot afford to buy a picture at the prices commanded through blind bidding. They say blind bidding must be stopped if exhibitors are to improve the quality of the motion pictures shown in their communities.

Testifying for the bill were Representative Gladys Marriott; Martin Stone of the Mid-America Cinema; George Kieffer, America Multi-Cinema (Kansas City); Leo Hayob, Marshall, Mo. theatre owner; Sal Capra, film producer (Kansas City) and David Jones, George Kerasotes Theatres.

Opponents: Those who oppose the bill say the bill is special interest legislation having little public interest. Blind bidding is necessary to insure that the major motion pictures will be in the theatres at the peak attendance periods of Christmas, Easter and summer. Some motion pictures are not finished until a few days prior to release at a peak attendance period. Without blind bidding, the release of such movies would be delayed until trade screening takes place, which could mean 60-90 days. They say not all motion pictures are blind bid. Many are bid after trade screening. They say blind bidding is necessary to insure that release dates coincide with national publicity campaigns. They say blind bidding is not unique to the exhibitors. Customers blind bid when they pay for their ticket before going into the theatre. They say that blind bidding does not encourage pornography because "X" rated and sexually exploitative "R" rated pictures are never blind bid.

Testifying against the bill was Stephen Schwartz, Motion Picture Association of America.

HB 1309, HCA 1 -- State Flag

Sponsor: Usher

Committee Action: Reported from the Federal-
State Relations and Veterans Affairs
Committee on a 9-2 vote.

The bill adds the word "Missouri" to the
State Flag.

HCA 1 -- Changes the location of the
printing from inside the blue band to
beneath it.

Proponents: Supporters say the printing is
needed to make the State Flag more easily
identifiable.

Testifying for the bill was the Secretary
of State.

Opponents: There was no opposition voiced to
the committee.

HOUSE PERFECTION CALENDAR

Week of February 13, 1978

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HOUSE BILL FOR PERFECTION - INFORMAL CALENDAR

HB 889 - pg. 12 (Held Over)

Prepared by House Research Staff
Kenneth J. Rothman, Speaker

HCS HJR 66 and 71 -- Legalization of Bingo

Sponsor: Blassie

Committee Action: Reported from the Local Government and Related Matters Committee on a 11-0 vote.

Upon adoption by the qualified voters of Missouri, this committee substitute would amend Article III, Section 39 of the Missouri Constitution by permitting "religious, charitable, fraternal, veteran, service or other not-for-profit organization" to play bingo. The institution of these games would be controlled and regulated by a licensing process in the county in which they will operate.

Proponents: Supporters say that Missourians are presently playing bingo. Some cross over into Illinois and spend their money there. Others play in Missouri without legal sanction. This bill would make legal a needed recreational and revenue project for Missouri and give the citizens what they want.

Testifying for the bill were Representative Markwell and Representative Boschert.

Opponents: No opposition was voiced to the committee.

HB 1434 -- Relating to the Sales Tax Law

Sponsor: Burke

Committee Action: Reported from the Revenue and Economics Committee on a 17-3 vote.

This bill would add optometrists to those professionals whose purchases of tangible personal property used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale. This bill would give suppliers the responsibility for collecting the sales tax on such property, rather than the optometrists.

Fiscal Note: This bill will not affect state revenue.

Proponents: Supporters say this bill will bring the law into conformity with practice. Optometrists pay the tax directly to the supplier. The supplier remits the tax to the state, and the optometrists do not pass it on to their customers. This bill is necessary to correct the law, due to an opinion issued by Attorney General Danforth. They say it is easier for the state to collect from a few suppliers than from many optometrists. Testifying for the bill were Representative Burke, Department of Revenue and the Missouri Optometric Association.

Opponents: There was no opposition voiced to the committee.

HB 1320 -- Exemption from the Sales Tax

Sponsor: Osbourn

Committee Action: Reported from the
Revenue and Economics Committee on a
6-1 vote, with two members voting
present.

This bill would exempt from the sales and use tax sales of: medicines for livestock and poultry; inoculate for legume seeds; seed treatments for controlling diseases or insect damage in seeds for growing crops; and chemicals for controlling weeds, insects or disease in pasture crops or grain. The exemption pertaining to crops stipulates that the crop must be fed to livestock or sold at retail.

Proponents: Supporters say this bill will eliminate a form of double taxation. Most medicinal additives are preventative in nature and stimulate growth. They can be bought tax free, already mixed in feed, from the big feed companies, but if these medicines are bought separately, they are taxed. These items go into a product which is sold at retail, so the sales tax on them should be eliminated. Testifying for the bill were Representative Osbourn and the Mid-Continent Farmers Association.

Opponents: There was no opposition voiced to the committee.

HCS HBs 903 and 1182 -- Minimum Jail
Standards

Sponsor: Vossmeier

Committee Action: Reported from the
Governmental Review Committee on a 8-0
vote.

This bill would require the director of the Department of Public Safety to establish minimum standards for the construction, equipment, maintenance and operation of county jails. Minimum standards would also be established for the custody and treatment of prisoners and for the number of jail supervisory personnel and for programs to meet the needs of prisoners. The director would require inspection of county jails on a regular basis and would determine at least once each year the compliance of each county jail with the standards. When a county jail is found not in compliance, the director would grant a reasonable time, not to exceed one year, for the county to comply with the standards. After a hearing in the county of noncompliance, the director could grant reasonable variances from the standards. No variance could permit unhealthy, unsanitary or unsafe conditions. If a county would fail to correct jail deficiencies, no person could be confined in that jail for more than 48 hours or the duration of a trial, whichever is greater. The circuit court in any judicial district where a person is detained in a jail which has not corrected the deficiencies, would have the authority to order such a person transferred to another jail. A series of grants would be administered by the director to enable the counties to acquire, construct or remodel jails to comply with this act. The grants would equal 30% of the total county cost, not to exceed the following amounts for any one county:

1. third or fourth class counties...\$ 100,000
2. second class counties..... 250,000
3. first class counties..... 1,000,000

If two or more counties would contract together to operate a regional jail facility, each county would separately be eligible for a grant up to the limits prescribed above, but the total state grants could not exceed 75% of total costs. Any county which would construct or remodel a jail within five years immediately preceeding this act would receive a grant as prescribed above. All such moneys would be solely used to reduce the bonded indebtedness incurred by acquiring, constructing or remodeling the jail. A comprehensive plan would be approved by the director before a county could be eligilbe for a grant. Priority consideration for grants would be given to any county found not in compliance with the minimum jail standards.

Proponents: Supporters say the the impending loss of sovereign immunity makes improvement of county jails imperative. There is a judicial trend to close jails and set standards. They say the state must act now if it wishes to have any influence over jail standards. They say some county sheriffs are considering closing their jails for fear of being sued on account of jail conditions. Testifying for the bill were Representatives Donley and Youngdahl, the Missouri Sheriffs Association, Missouri Association of Counties and the Missouri Council of Criminal Justice.

Opponents: There was no opposition voiced to the committee.

HB 995, HCA 1 and 2 -- Certification of
Substance Abuse Programs

Sponsors: Schlef, Feigenbaum, Burke, Stotts
and Stone

Committee Action: Reported from the Public
Health and Safety Committee on a 11-0
vote, with four members voting present.

This bill would allow the Division of
Alcoholism and Drug Abuse to establish
minimum standards for certification of
alcohol and drug abuse programs. The
standards would cover treatment, rehabilita-
tion and facilities and would be reviewed
by the Missouri Advisory Council on Alcohol-
ism and Drug Abuse with ultimate resinding
power of any rule by the general assembly.
No organization could operate such programs
for more than 180 days without certifica-
tion. A provisional six-month certification
is possible, after which time, re-examination
must occur. There would be annual re-exam-
ination of certification. All programs would
be monitored throughout the year. A hear-
ing would be provided in cases of non-
compliance. Groups such as Alcholics
Anonymous, whose programs are primarily
educational, would be exempted, but could
receive certification if the group so desires.
Violation of the act would constitute a
misdemeanor.

HCA 1 -- Eliminates review of personnel
qualifications as one of the standards.

HCA 2 -- Provides that any aggrieved
person is entitled to judicial review
and allows the division to license pro-
grams in lieu of certification. The
procedures for licensure are the same as
for certification.

Fiscal Note: A fiscal note of \$95,304 for
FY 1978-79 and \$87,873 for FY 1979-80 is
attached, with approximately 45% of the
cost available through federal funds.

Proponents: Supporters say that certifica-
tion will insure that programs do no

harm to recipients of treatment and that programs must demonstrate their potential to treat patients. Often physicians will not refer patients to treatment centers because they have no guarantee that no harm will be done and that there is the potential for improvement.

Testifying for the bill were Representative Burke, the Division of Alcoholism and Drug Abuse, Missouri Advisory Council of Alcoholism and Drug Abuse, the Director of Phoenix House, John Britton, Eva Pratt of Pace, Inc. and Myron L. Paris, U.A.W., local #93.

Opponents: There was no opposition voiced to the committee.

HB 1143 -- Establishment of County Health
Centers

Sponsors: Roderick, Lybyer and Rollins
Committee Action: Reported from the Public
Health and Safety Committee on a 12-0
vote, with three members voting present.

This bill would change the vote needed to establish a county health center from 2/3 to simple majority. It also changes some of the language in the same section to a more accepted legislative style.

Proponents: Supporters say that county health centers are community health-oriented and, therefore, beneficial to the county residents and should be established by a simple majority of the people. In many elections a majority of the voters do approve establishment of a county health center, yet no action can be taken because of the 2/3 majority restriction.

Testifying for the bill were Representative Lybyer and the Division of Health.

Opponents: There was no opposition voiced to the committee.

HB 1468 -- Licensing of Social Workers

Sponsor: O'Connor

Committee Action: Reported from the Public Health and Safety Committee on a 9-5 vote, with one member voting present.

This bill would create a seven-member "State Committee for Social Work Examiners" in the Division of Professional Registration, which would establish qualifications and administer examinations for licensure and determine requirements for continuing education and specialties for social workers. The bill specifies the term, membership, number of meetings and compensation of the committee. The chairperson would also be an ex-officio member of the State Board of Healing Arts. Persons at the doctoral or masters level would be licensed as "certified social workers", while persons at the bachelor's level as "registered social workers". Examinations would be administered at least once a year, and renewal of licenses would be biannual. There is a "Grandfather" clause for those persons already in private practice two years prior to one year after the effective date of the act. A license may be refused, suspended, etc., for falsification of the application. Opportunity for a hearing is provided by the administrative hearing commission. Client confidentiality shall be protected. A schedule of minimum fees is provided.

Fiscal Note: There is a fiscal note for FY 1978-79 showing a net gain of \$233,999 and a net cost of \$75,463 in FY 1979-80. It is assumed that 6,500 social workers would be initially licensed with a 5% annual growth rate.

Proponents: Supporters say that professional licensure is a consumer protection measure. It will establish uniform standards and insure high quality care. Licensure makes a profession more visible and more accountable. It will also allow providers

to receive third party payer reimbursement. There are presently 23 states that have licensed social workers.

Testifying for the bill were Representative O'Connor, Missouri Chapter of National Association of Social Workers and Francis Thomas, a professional social worker.

Opponents: Those who oppose the bill say that licensure only regulates; it does not insure competent, high quality care for the consumer. Licensure will decrease the supply of social workers and will no longer allow communities to choose whom they wish for social and mental health programs. Licensure is not a consumer advocacy measure, but simply a device for social workers to get reimbursement from third party payers. It is not the way to better salaries for social workers.

Testifying against the bill was the St. Louis Chapter of the Association of Black Social Workers.

HB 1296 -- Powers of Nursing Home Districts

Sponsor: Plassmeyer

Committee Action: Reported from the Public Health and Safety Committee on a 14-0 vote, with one member voting present.

This bill would allow nursing home districts to provide for payment of indebtedness of the district by assessing sufficient fees and compensation or taxes or a combination of both.

Proponents: Supporters say that Medicaid will not reimburse nursing home districts for that portion of patient fees that goes for the district's indebtedness. At least one nursing home district is losing Medicaid payments because it has chosen to assess sufficient patient fees to provide for indebtedness. Testifying for the bill was Representative Plassmeyer.

Opponents: There was no opposition voiced to the committee.

HB 1188 -- Regulation of Facilities for
Substance Abusers

Sponsor: Donley

Committee Action: Reported from the Public Health and Safety Committee on a 10-0 vote, with three members voting present.

This bill would authorize the Department of Mental Health to establish standards, regulate and license all facilities for the care, treatment and custody of substance abusers. The rules and standards would cover such things as physical facilities, safety precautions and patient rights. The department would establish licensing procedures and could deny licenses with appropriate notice procedure and with opportunity for hearing. The department could make inspections of all facilities. All facilities must be licensed by January 1, 1978. Operation without a license would constitute a misdemeanor.

Fiscal Note: A fiscal note is attached, but no cost is estimated; neither is any income shown because the amount of the license fee was not specified.

Proponents: Supporters say that substance abuse programs are growing and need licensure to set minimum standards. Licensure would allow privately-operated programs and facilities to receive third party payer reimbursement. The Department of Mental Health is already certifying programs, and no added cost would be incurred for licensure. Private treatment programs, which have a high recovery rate, should be encouraged to operate in the state.

Testifying for the bill were Representative Donley, Valley Hope Alcoholism Treatment Center and the Department of Mental Health.

HCS HB 997 and 1295 -- Legalization of
Laetrile

Sponsors: O'Connor

Committee Action: Reported from the Public Health and Safety Committee on a 8-5 vote, with two members voting present.

This bill would legalize the manufacture, sale, processing, distribution and use of laetrile. No physician, nurse or pharmacist could be subjected to disciplinary action or malpractice suit for administering laetrile. The act will terminate December 31, 1988.

Proponents: Supporters say many persons have used laetrile for cancer treatment, generally for the mitigation of disease symptoms, as an analgesic in relieving pain from terminal cancer and for the prevention of cancer, which some believe is a metabolic deficiency disease that can be prevented by administration of vitamin B-17 (laetrile). Despite the millions of dollars we have spent on cancer research, two out of every three persons who contract cancer ultimately die from it. Orthodox cancer therapies have many unpleasant side-effects and often involve mutilation. Laetrile is non-toxic and has no unpleasant side-effects. A federal judge in Oklahoma has ruled that laetrile is exempt from the FDA's new drug requirements and hence, cannot be excluded from interstate commerce. An individual should be free to choose his or her own cancer therapy. Fourteen states have presently legalized laetrile. Some question has been raised as to the validity of applying results of animal systems to humans. Testifying for the bill were Representatives Schlef and Plassmeyer; Dr. Charles A. Jost, Family Practitioner; Dr. David Ball, Chiropractor and laetrile user; and the following laetrile users: Glenn Boehm, Norma Gwaltner, Glenn Rutherford and Ethel Dingwerth.

Opponents: There was no opposition voiced
to the bill in the committee.

Teresa Welch, Christy Research Fellow

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Opponents: Those who oppose the bill say no animal trials, except two, one of which is irreproducible and the other of which is, at present, unverified, have shown any indication of laetrile's effectiveness in treatment of cancer. FDA drug protocol requires that animal tests be positive before human clinical trials commence. Most claims for laetrile's efficacy are anecdotal testimony, which is not acceptable scientific evidence. With regard to laetrile as a vitamin, it has not met the FDA criteria used to establish a substance as a vitamin. There is some question as to laetrile's potential toxicity, especially if administered orally. Stomach acid can release hydrogen cyanide from the laetrile molecule; hydrogen cyanide is one of the deadliest poisons known. A recent repeat of one of the so-called positive animal trials showed no anti-cancer activity of laetrile. A recent study found laetrile to be toxic to cells and to be capable of causing cell mutations. Cancer is not one, but many diseases, many of which can be cured. The FDA is charged with protecting citizens' freedom from danger to health and well-being from the sale and use of worthless drugs. The federal government has appealed the Oklahoma ruling. Testifying against the bill were Dr. John Yarbrow, Missouri State Medical Association and Missouri Cancer Programs; Dr. E. David Scott, Family Practitioner; and Dr. David Linsenbardt, Missouri Osteopathic Association.

HB 1618, HCA 1 -- Mental Health Personnel

Sponsor: Bockenkamp

Committee Action: Reported from the State
Institutions and Property Committee on a
6-0 vote.

The bill allows the Department of Mental Health more flexibility in hiring superintendents of its major facilities. At present, only physicians with mental health care experience can be superintendents. The bill would allow any of the following to be appointed: (1) persons with at least a master's degree in health care administration with experience; (2) persons with a master's degree in a clinical subject with experience in a mental health or mental retardation facility; or (3) a physician with demonstrated ability or training in administration. The bill further requires that major department facilities have a chief of medical staff who is a licensed physician.

Proponents: Supporters say that it is hard to recruit psychiatrists to be administrators, and it is a misuse of their skills as well. The department should have the option of hiring people with primarily administrative training and skills.

Testifying for the bill were the Department of Mental Health and the Mental Health Association of Missouri.

Opponents: There was no opposition voiced to the committee.

HB 1819 -- Missouri Noxious Weed Act

Sponsor: Maloney

Committee Action: Reported from the Agriculture Committee on a 19-0 vote, with one member voting present.

A county may be declared a noxious weed county if at a general or special election the majority of those voting elect to enforce this act. The bill allows the director of the Department of Agriculture to compile a noxious weed list. It also establishes a weed control board which has the responsibility of publishing in local newspapers a general notice for control and eradication of noxious weeds.

If a landowner fails to eradicate such weeds, the weed control board shall initiate proper control and eradication methods which the owner is liable for and shall advise the owner of the cost. The county court or governing body may levy a property tax in an amount not to exceed 20-cents on each \$100 assessed valuation to go into the county noxious weed fund.

The voters may terminate the provisions of this act by an order of the county court and an election conducted in the manner prescribed by this act.

Proponents: Supporters say that several areas of the state are adversely affected by the rapid spreading of certain weeds detrimental to farming. This bill would allow counties especially harassed to do something about their problems.

Testifying for the bill were the Missouri Farm Bureau, Mid-Continent Farmers Association, Missouri Cattlemens' Association and the Department of Agriculture.

Opponents: There was no opposition voiced.

Pam Rice, Research Analyst

HB 1498, HCA 1 -- Agriculture Seed Regulation

Sponsor: Sharpe, et al

Committee Action: Reported from the
Agriculture Committee on a 22-1 vote.

The bill defines and regulates the sale of certain agricultural seeds. Any person selling, distributing or advertising certified seeds for sale must have a permit to do so. The bill establishes allowable amounts of seed mixtures and sets up labeling requirements for containers of seeds for sale.

HCA 1 -- Changes the bill so that its regulations would carry both the farmer that owns and the farmer that rents land. It would also allow a farmer to say his seed was grown from certified seed and sell it as such.

Fiscal Note: A fiscal note showing an increase in general revenue of \$50,120 for FY 1978-79 and \$57,511 for FY 1979-80 is attached to the bill.

Proponents: Supporters say that one of the important things the bill does is raise permit rates that have not been raised since 1958. Also, the new provisions would give the Department of Agriculture more power to enforce the law. The container labeling requirements would also be helpful to the buyer.

Testifying for the bill were the Missouri Seedmens' Association, Missouri Farm Bureau, Missouri Seed Improvement Association, Mid-Continent Farmers Association and the Department of Agriculture.

Opponents: There was no opposition voiced.

Pam Rice, Research Analyst

HB 1795 -- Corporate Farming Ownership

Sponsor: Osbourn

Committee Action: Reported from the
Agriculture Committee on a 21-0 vote.

The bill adds corporations having an ownership interest in agricultural land, as defined in section 350.010 of the current statutes requiring corporations engaged in farming, to comply with reporting requirements.

Proponents: Supporters say that the provision would close a loophole left in the bill passed last year. This loophole allowed certain industries that had controlling interest, but did not actually farm the land, to escape reporting requirements.

Testifying for the bill was Representative Osbourn.

Opponents: There was no opposition voiced to the committee.

HB 1716 -- Sheep Commodities

Sponsor: Mead, et al

Committee Action: Reported from the
Agriculture Committee on a 22-0 vote,
with one member voting present.

The bill eliminates sheep from coverage of the Agricultural Commodity Merchandising Laws. It also updates the title of commissioner of agriculture to that of director of the Department of Agriculture.

Proponents: Supporters say the bill would stimulate interest in sheep farming. Farmers would not be required to put money into some of the Department of Agriculture's projects. They could use this money for promotion purposes, such as the Future Farmers of America and 4-H projects.
Testifying for the bill were Missouri sheep producers and the Mid-Continent Farmers Association.

Opponents: There was no opposition voiced to the committee.

HB 1185 -- Relating to Interest on Judgments

Sponsor: Youngdahl

Committee Action: Reported from the
Judiciary Committee on a 9-0 vote.

This bill would increase the interest due on judgments from the present 6% to 8% per annum until satisfaction is made.

Proponents: Supporters say that this increase in interest rates is long past due and is in keeping with the current interest rate structure.
Testifying for the bill was the Missouri Association of Trial Attorneys.

Opponents: There was no opposition voiced to the committee.

HB 935 -- Guardianship Changing Age of Majority

Sponsor: Holt

Committee Action: Reported from the Judiciary
Committee on a 12-0 vote.

This bill changes the age of majority from 21
to 18 for purposes of guardianship.

Proponents: Supporters say this bill grants
full rights and control over the assets of
approximately 275,000 individuals that range
in age from 18 to 20 years of age.

Testifying for the bill was the Associated
Students of the University of Missouri.

Opponents: No opposition was voiced to the
committee.

HB 1069 -- Manner of Execution of Death Penalty

Sponsor: Douth

Committee Action: Reported from the Judiciary Committee on a 7-4 vote.

This bill would provide an alternative to the way in which punishment by death is presently inflicted. The defendant sentenced to death would have as an option, the administration of a lethal gas or a lethal quantity of an ultra-quick-acting barbituate.

Fiscal Note: The necessary renovation of space at the Missouri State Penitentiary would cost approximately \$12,500.

Proponents: Supporters say this bill will provide a more humane way in which to die.
Testifying for the bill was Representative Douth.

Opponents: No opposition was voiced to the committee.

HB 1333 -- Missouri State Highway Patrol

Sponsor: O'Connor

Committee Action: Reported from the Judiciary Committee on a 12-0 vote.

This bill authorizes "commercial motor vehicle enforcement officers" to issue a uniform traffic ticket or make an arrest relative to the laws concerning size, weight, fuel tax, registration, public service commission rules and regulations, equipment of commercial motor vehicles and trailers, and the operators' or chauffeurs' licenses of operators of commercial motor vehicles only. This class of officers would not have the right to bear arms.

Fiscal Note: The only costs associated with this legislation would be for the additional training of these officers. Expenditures in FY 1978-79 would be \$9,300 and \$1,000 in FY 1979-80 from the State Highway Department Fund.

Proponents: Supporters say that with this authorization, the Missouri Highway Patrol will not be required to take over the issuance of some 200,000 warnings and citations presently being issued. This bill will insure the continuing effectiveness of the Patrol without an expansion in their budget. Testifying for the bill were the Missouri Highway Patrol and the Missouri Highway Commission.

Opponents: No opposition was voiced to the committee.

HB 1173 -- Deaths of Children: Autopsies

Sponsor: Sego

Committee Action: Reported from the Judiciary Committee on a 8-0 vote.

This bill seeks to provide insight into the phenomenon known as "sudden infant death syndrome" by providing an autopsy, at state expense, for children "under the ages of one year and over the age of one week" who die suddenly when in "apparent good health".

Fiscal Note: The cost estimates for FY 1978-79 (10 ½ months) is \$35,755 and for FY 1979-80 is \$40,525.

Proponents: Supporters say the information gained from these autopsies will be invaluable in the study of "crib death" and facilitated by the state payment thereof.
Testifying for the bill were Pediatrician and National Sudden Death Foundation; the St. Louis chapter of National Sudden Infant Death Foundation; and Washington University, Pediatrics.

Opponents: No opposition was voiced to the committee.

HB 1220 -- PSC Enforcement Officers With Powers

Sponsor: Nilges

Committee Action: Reported from the Judiciary Committee on a 7-0 vote.

This bill would provide for enforcement officers for the Public Service Commission, specifically, to enforce the provisions of chapter 390 dealing with motor carriers and express companies.

Fiscal Note: No additional funds required.

Proponents: Supporters say this bill will provide for the better enforcement of laws and the investigation of violations of "bus and truck" laws.

Testifying for the bill were the Missouri Highway Patrol, Missouri Public Service Commission, Missouri Bus and Truck Association, Missouri Movers Association, Missouri Sheriffs Association, Springfield Missouri Movers Association, Missouri Mobile Home Movers Association and Missouri Dump Truck Association.

Opponents: No opposition was voiced to the committee.

HB 1137 -- Court Appointed Counsel For Indigents

Sponsor: O'Toole

Committee Action: Reported from the Judiciary
Committee on a 7-0 vote.

This bill seeks to limit the appointment of counsel for indigents to those defendants who have filed a petition for habeas corpus, prior to conviction.

Proponents: Supporters say the bill seeks to limit the appointment of counsel to only those areas where constitutionally required. Testifying for the bill was Representative O'Toole.

Opponents: No opposition was voiced to the committee.

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Proponents: Supporters say the bill seeks to
limit the appointment of counsel to only
those areas where constitutionally required.
Testifying for the bill was Representative
O'Toole.

Opponents: No opposition was voiced to the
committee.

HB 1102 -- Automobile Liability Policies:
Benefits

Sponsor: Seay

Committee Action: Reported from the Judiciary
Committee on a 5-2 vote.

This bill requires all automobile liability insurance policies to have, as an option, a statutory minimum of medical and hospital benefits, income disability and accidental death benefits. As stated, the insured has the right to reject such coverage. Note: tort liability is retained.

Proponents: Supporters say this is a type of no-fault insurance in the automobile liability area that is most palatable, a means of providing first party benefits that will hopefully preclude federal intervention in the future.

Testifying for the bill were the Missouri Bar Association and MFA.

Opponents: Those who oppose the bill say it creates "captive" coverage, "rolled on" benefits, and increased costs.

Testifying against the bill were State Farm Insurance and the American Insurance Association.

HB 1166, HCA 1 -- Establish State Pledge of
Allegiance

Sponsor: Butts

Committee Action: Reported from the Federal
State Relations and Veterans Affairs
Committee on a 10-4 vote.

This bill establishes a Pledge of Allegiance
to the State of Missouri.

HCA 1 -- Deletes the author's name and
makes a technical change.

Proponents: Supporters say that the pledge
is already used throughout the state by
various organizations and even in some
schools. Making the pledge official
would be a nice gesture to those who have
expressed their loyalty to Missouri in
reciting this pledge.
Testifying for the bill was the Daughters
of the American Revolution.

Opponents: There was no opposition voiced to
the committee.

HB 1176 -- Delinquency Period Under the Land
Tax Collection Law

Sponsor: Benson

Committee Action: Reported from the Urban

Affairs Committee on a 10-1 vote, with one member voting present.

This bill would change the period of time in which general and special taxes become delinquent from a four-year period to a two-year period, and would exempt counties of the first-class with a charter form of government from section 141.390 (which requires counties to file petitions by the delinquent land tax attorney in the circuit clerk's office in the courthouse located in the same portion of the county as the real estate in question). It would also enact a temporary provision governing enforcement of the delinquent tax bills.

Proponents: Supporters say that under current law, land taxes are into their sixth year of delinquency before any action is taken. Abandoned properties deteriorate to an even greater degree during that period and rarely get back on the tax rolls. A shorter period would increase the likelihood of getting the property back into commerce and on the tax rolls.

Testifying for the bill were Charles Fraas (currently P.S.C. chairman, formerly Assistant County Counselor for Jackson County) and Harry Gallagher, representing Jackson County.

Opponents: No opposition was voiced to the committee.

HB 1271, HCA 1 -- Relocation Assistance
for Displaced Persons

Sponsor: Doll, et al

Committee Action: Reported from the Urban
Affairs Committee on a 8-1 vote.

This bill would provide relocation assistance for persons displaced when property is acquired by a public agency having the power of eminent domain. Relocation assistance would include: actual reasonable moving expenses or a moving allowance of up to \$300 and a dislocation of \$200; actual personal property losses connected with a business or farm; and incidental expenses, such as mortgage prepayment penalties and recording fees. If it is determined that a business can't be relocated without substantial loss of patronage, the business is entitled to the average of their last two years' income (but not less than \$2,500 or more than \$10,000).

In addition, a person displaced from a dwelling which he or she owned and occupied would receive up to \$15,000 for the cost of a "decent, safe and sanitary" replacement dwelling. A non-owner occupant who is displaced would receive an amount equal to the difference between rent at a new location and the condemned building for up to a four-year period (not to exceed \$4,000) or the amount required for a down payment on a new dwelling (not to exceed \$4,000).

HCA 1 -- Private agencies operating under Chapter 353 would be included within the requirements and references to "public use" are changed to "any use". The moving allowance is increased to a minimum of \$500, and the dislocation allowance increased to a minimum of \$350. Compensation to a dwelling owner is raised to a maximum of \$20,000. Compensation would also be provided to dislocated persons purchasing a home through a government subsidy if they lose the subsidy when they relocate.

New sections would: require the public agency to provide a relocation assistance advisory program; exempt payments under the act from state income tax and from consideration as income in determination of public assistance eligibility; require payments to dislocated persons to be made 30 days prior to relocation; and authorize the commissioner of administration to promulgate rules to carry out the act.

Fiscal Note: The cost of the proposal could not be estimated.

Proponents: Supporters say that people with few financial alternatives are usually the victims of condemnations, and this bill would lessen, if not eliminate, their hardships. Kansas City and St. Louis already require relocation assistance under their urban redevelopment programs, but other political subdivisions do not. Testifying for the bill were Representatives Doll and Riley, the Assistant City Attorney for Kansas City, Missouri Housing Alliance and Legal Aid of Eastern Missouri.

Opponents: There was no opposition voiced to the committee.

HB 947, HCA 1 -- Designated Blighted Areas

Sponsor: Curls

Committee Action: Reported from the Urban Affairs Committee on a 11-0 vote.

This bill would change the requirements for determining cities in which residents may apply for blighted area designation so that Kansas City would be an eligible city as well as St. Louis.

HCA 1 -- Would amend Sections 99.700, 99.705 and 99.710 RSMo. to refer to county assessors, as well as city assessors, in the provisions dealing with assessed valuation of property in a blighted area.

Proponents: Supporters say this bill would allow Kansas City residents to make use of an urban renewal tax abatement program which would benefit individual landowners as well as large landowners.

Testifying for the bill were Representative Curls, Urban Economic Development Council and the Jackson County Assessor.

Opponents: There was no opposition voiced to the committee.

Fiscal Note: The attached fiscal note shows a net increase to general revenue of \$4,952 in FY 1978-79 and \$5,319 for FY 1979-80.

Proponents: Supporters say although there are national professional organizations which certify technologists, approximately 60-70% of those persons performing radiologic technologist duties are not certified. Although the benefits derived from ionizing radiation cannot be overestimated, the hazards should not be underestimated, and the patient should feel secure that procedures are being done by qualified personnel. Because this field is expanding and changing, there is a need for continuing education for technologists, as is addressed in the bill. Licensure is often linked to increased salaries, but in states that have already enacted licensure, salaries have not undergone spectacular jumps. Testifying for the bill were Representative Baker; Missouri Society of Radiologic Technologists; Missouri Radiologic Society; Missouri State Medical Association; Coretta Schroer, Chairperson of the Licensure Committee of the Society of Radiologic Technologists; and Norman Hente, Radiologic Technologist and Technical Supervisor at Mallinckrodt Institute of Radiology.

Opponents: There was no opposition voiced to the committee.

HCS HB 1494 -- Transportation of Public School
Pupils (Vocational or Pre-voca-
tional)

Sponsor: Calloway

Committee Action: Reported from the Education
Committee on a 14-0 vote, with five members
voting present.

Provision is made in the bill for a school dis-
trict to receive state aid for transporting
its pupils from the school of attendance to a
vocational or pre-vocational school, if the vo-
cational or pre-vocational school is within the
district of residence and at least one-half
mile from the school of attendance.

Fiscal Note: Fiscal Note 2190 is attached and
the prevalent assumptions call for \$907,654
in Fy 1978-79 and \$962,113 in Fy 1979-80.

Proponents: Supporters say this bill serves to
effectuate the intent of earlier legislation
wherein it has been ruled that transporta-
tion within the district was not an allow-
able cost for state aid reimbursement.

Testifying for the bill was Representative
Hadley.

Opponents: No opposition was voiced to the
committee.

HB 1270 -- Taxation for Library Purposes

Sponsor: Doll

Committee Action: Reported from the Education Committee on a 15-1 vote, with two members voting present.

This bill provides the enabling of legislation for an increase in the additional tax for library purposes from the existing fifteen cents to eighteen cents per \$100 assessment and then progress for the next two years until the levy reaches a maximum amount of twenty cents. The combined total of the regular tax and the additional tax is not to exceed thirty cents per \$100 assessed evaluation. Provisions are also established for putting the matter of the additional tax levy before the voters of the concerned political subdivision.

Proponents: Supporters say that inflation is outstripping the library's ability to maintain the quality and quantity of service it desires and attempts to provide. This bill would enable the library to take the situation to the voters and let them decide whether they want to maintain present services through a tax levy increase or begin a gradual reduction of services if additional funds are not forthcoming.

Testifying for the bill were the Kansas City Public Library, Kansas City School Board Legislative Committee and Kansas City Library District.

Opponents: There was no opposition voiced to the committee.

Mike Sharp, Christy Research Fellow

HCS HBs 1162 and 1484 -- Public School Retirement System

Sponsor: Calloway

Committee Action: Reported from the Education Committee on a 18-0 vote, with one member voting present.

This substitute makes provisions for a member to retire with reduced benefits at less than sixty years of age if he has twenty-five years of creditable service and makes written application to the board of trustees. It also removes the minimum age limit of fifty-five years of age for a teacher who wants to retire with thirty years of creditable service and wants to participate in the benefits of the public retirement system.

Fiscal Note: The fiscal note reflects that state funds would not be affected by this bill.

Proponents: Supporters say that passage of this bill would provide another incentive for teachers to remain in Missouri to teach. Past experience in other states reveals that it would not cause mass teacher retirement. Indeed, there are incentives to retain teachers within the profession after thirty years of service. This bill would allow teachers the option of retiring after thirty years of service if they so desired.
Testifying for the bill was the Missouri State Teachers Association.

Opponents: No opposition was voiced to the committee.

HB 1389, HCA 1 -- First Class County School Districts

Sponsor: Muckler

Committee Action: Reported from the Education Committee on a 9-6 vote, with three members voting present.

This bill provides that upon petition of 10% of those voting for school board members in first class counties in the last annual school election or 100 voters, whichever is greater, an election will be prompted to determine if a qualified six director school district will be reorganized as a nine director school district. If adopted by the school district, the district would be subdivided, and one member of the board would be elected from each subdistrict. Election methods and procedures are also posited in detail.

Proponents: Supporters say that under existing conditions, the boards are very lopsided in representation. Minorities are excluded in many cases with all the board members often clustered in a common socio-economic group as well as geographic area. By subdividing the district, board member representation would be more proportionately reflective of the district as a whole.

Testifying for the bill were Raymond J. Stith, St. Louis; City of Berkeley; St. Charles City Council; Legal Services of Eastern Missouri; and Richard A. Wier, Berkeley, Missouri.

Opponents: There was no opposition voiced to the committee.

Mike Sharp, Christy Research Fellow

HCS HBs 1161, 1388 and 1486 -- Public School Retirement

Sponsor: Calloway

Committee Action: Reported from the Education Committee on a 19-0 vote.

This substitute bill restates certain provisions of the Missouri Public School Retirement System to the effect that: (1) the "buy back" privilege is reopened for members re-entering the system; (2) an early retirement allowance is provided for members with 25 years of creditable service, which is commensurate to the actuarial equivalent of a member's entitlement if his age were 60; (3) upon membership termination, interest would be paid on any investment in the system and; (4) the five year re-entry limitation is removed for a member who once withdrew from the system.

Proponents: Supporters say that the bill would provide teachers who had withdrawn from the system the opportunity to re-enter the system without the loss of their previous status and without jeopardy to the economic soundness of the system. Many teachers left the profession to raise a family and would now like to return to teaching and the retirement system but must start all over again building the retirement credit they once had.

Testifying for the bill were the Missouri State Teachers Association and Richard E. Moore, Faculty Member at Southwest Missouri State University.

Opponents: There was no opposition voiced to the bill in committee.

Mike Sharp, Christy Research Fellow

HB 969 -- Transportation of Public School Pupils

Sponsor: Lybyer

Committee Action: Reported from the Education Committee on a 20-0 vote.

This bill would restate the legislation concerning the transportation of public school pupils to the effect that no state aid would be paid for the cost of transporting pupils less than one mile from the school. The local board of education could provide this service by a motion of its own, if it so desired, and if no increase in the tax levy was necessitated. If a tax increase was necessary, the issue would have to be put to the eligible voters of the district.

Proponents: Supporters say that as the law now stands, no provision is made for the transportation of students who live less than $\frac{1}{2}$ mile from school. This bill would allow school boards the option of providing transportation to any student less than one mile from school as long as no increase in the tax levy was necessary. Many school districts are doing this now, and the option of whether or not to provide this service should be left to the concerned school boards or their respective voters as long as no state aid is involved.
Testifying for the bill was Representative Lybyer.

Opponents: There was no opposition voiced to the committee.

Mike Sharp, Christy Research Fellow

HB 1571 -- Retailers of Beer and Malt Liquor

Sponsor: Markwell

Committee Action: Reported from the Local Government and Related Matters Committee on a 11-0 vote.

This bill provides that no retail dealer of beer or malt liquor or nonintoxicating beer shall purchase from one wholesale dealer while having a delinquent account with another wholesale dealer. Penalty provisions are made for violations and an effective date is set.

Proponents: Supporters say that as the situation now exists, a wholesaler is prohibited from selling to a retailer if he is in arrears. The retailer on the other hand, can bounce from wholesaler to wholesaler without any restrictions. This bill would provide for a stronger relationship between distributor and retailer.

Testifying for the bill were the Missouri Beer Wholesalers and the United States Brewers Association.

Opponents: No opposition to the bill was voiced in the committee but a salient question was raised, that of bringing a public debt into the realm of being a criminal offense.

HCS HB 1151 -- Legalization of Bingo

Sponsor: Blassie

Committee Action: Reported from the Local Government and Related Matters Committee on a 11-0 vote.

Provided here is the enabling legislation for churches and not-for-profit organizations to conduct bingo games after the purchase of a temporary or annual license. The act would not become effective until the voters of the state approve an appropriate constitutional amendment authorizing this activity.

Proponents: Supporters say that by allowing churches and non-profit organizations to play bingo, they could generate much of their own revenue as well as provide license revenue for the state.

Testifying for the bill were the Special Offender Council, United Workers of the Blind, St. Jerome Church (St. Louis County), and St. Louis State School-Hospital.

Opponents: No opposition was voiced to the committee.

HCS HBs 1460 and 1718 -- Park and Museum
Districts

Sponsor: Blassie

Committee Action: Reported from the Local Government and Related Matters Committee on a 10-0 vote, with one member voting present.

This bill provides authority for the board of directors of any metropolitan zoological park and museum district to request the submission of a proposition to the qualified voters creating a botanical garden subdistrict. If sanctioned by the qualified voters, the botanical garden subdistrict would be governed by a ten member commission, whose placement on and removal from the commission is provided for in the bill. Also provided is enabling legislation for tax revenue to support the botanical garden subdistrict and the Metropolitan Zoological Park and Museum District.

Proponents: Supporters say that this enabling legislation would give the voters the opportunity to decide whether or not they want to create and support the subdistrict. It was stressed that these facilities are great tourist attractions but under present adverse economic conditions they are having to cut back on employees. If they are to continue to serve the community and grow, they must be able to seek the help of the community. Testifying for the bill were the St. Louis Museum of Science and Natural History and Shaw Gardens.

Opponents: No opposition was voiced to the committee.

HCS HB 1125 -- Sales and Use Tax Exemptions

Sponsor: Blassie

Committee Action: Reported from the Local Government and Related Matters Committee on a 11-0 vote.

This bill provides that under certain circumstances, certain property would have no situs for taxation purposes in Missouri such as personal property in transit in interstate commerce in or over Missouri or personal property shipped in and stored in a warehouse when certain other conditions are met. Included also are domestically manufactured goods stored in warehouses when certain other necessary conditions are met. An effective date of January 1, 1979 is set.

Proponents: Supporters say that provisions of this nature would be a great incentive to industrial development and growth. Kansas presently has legislation of this nature and because of its appeal to business and industry, Missouri is losing not only warehouse business but also industry that can take advantage of the warehousing provisions. Testifying for the bill were the Jackson County Assessor's Office, Jackson County Industrial Development Commission and the Urban Economic Development Council.

Opponents: No opposition was voiced to the committee.

HCS HB 1273 -- Uninsured Deposits

Sponsor: Riley

Committee Action: Reported from the Consumer Protection Committee on a 15-1 vote.

The substitute requires loan and investment companies whose deposits are uninsured by an insurer approved by the director of Consumer Affairs Regulation and Licensing to notify its depositors of that fact. It requires any bank or savings and loan association, not presently insured, to apply for insurance with the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation within two years of the effective date of this act. It further requires that no bank or association shall be organized in the future unless it insures its deposits with the FDIC or the FSLIC.

Proponents: Supporters say that all bank and savings and loan association deposits should be insured to protect depositors. Other deposit-taking institutions should at least be required to notify their customers if their deposits are not insured.

Testifying for the bill was the Division of Savings and Loan Supervision.

Opponents: No opposition was voiced to the committee.

HB 1578 -- Ban Unsolicited Commercial Phone
Calls

Committee: Consumer Protection

Summary will be printed in an upcoming supplement.

HCS HBs 907, 908 and 909 -- Relating to the
Fixing of Utility Rates After a Hearing

Sponsor: Riley

Committee Action: Reported from the Consumer Protection Committee on a 13-3 vote, with two members voting present.

The substitute provides that rates or charges for gas, electric, sewer, water, telephone or telegraph service shall not be increased except upon the filing of a complaint by the utility. The utility seeking the increase must prove the unreasonableness of the existing rate and the reasonableness of its proposed rate. An increase requested takes effect automatically in 11 months if the PSC has not decided on the request, but the increase may be subsequently rejected or modified by the PSC and is subject to refund with interest. A utility must notify its customers of proposed increases that will raise customer bills by 10% or more or result in an increase of \$1,000,000 (\$500,000 for telephone and telegraph companies) or more in annual revenues and must notify its customers of public hearings that affect them.

In addition, the substitute establishes in detail how appeals from rate decisions of the PSC may be made. Some of the provisions are:

1. appeals may be made directly to the court of appeals;
2. no new evidence may be introduced;
3. the court may remand to the PSC any case it reverses;
4. the court may suspend a PSC order or decision during the pendency of the appeal, but only upon a hearing and a specific finding of great or irreparable damage to the petitioner and upon the filing of a suspending bond; and
5. any excess payments collected under a suspended order must be paid to court or deposited at court direction, must be recorded in case a refund is required and must be refunded upon final decision in the case.

Proponents: Supporters say that the proposed changes in procedure will reduce the number of rate cases the PSC handles and will speed up final decisions in those cases.

Testifying for the bill were the Public Counsel and the Governor's office.

Opponents: Those who oppose the bill say that the changes make it too difficult to apply for rate increases, encourage uncertainty by allowing the PSC an indefinite time to decide on a rate request and slow up adjudication of appeals by encouraging an overloading of the appeals court docket.

Testifying against the bill were the St. Louis County Water Company, Southwestern Bell, Missouri Power and Light and Union Electric.

HB 1236 -- Maintenance of Underground
Utility Facilities

Sponsor: Fowler

Committee Action: Reported from the Consumer Protection Committee on a 9-3 vote, with six members voting present.

The bill requires the provider of utility services to maintain fully its underground facilities within any public street, alley, right-of-way or easement.

Proponents: Supporters say that the bill will diffuse the "log-rolling" argument that St. Louis Water Company is now using in a present case. It does not alter the legislative intent of the sections being repealed and re-enacted, but makes that intent clearer.
Testifying for the was the Public Service Commission.

Opponents: Those who oppose the bill say that it is unconstitutional in that it forces a company to maintain property it doesn't own, and it is discriminatory in that it will require all customers to bear the costs of maintenance of some customers' facilities.
Testifying against the bill was the St. Louis County Water Company.

HB 965 -- Retailers Advertising Practices

Committee: Consumer Protection

Summary will be printed in an upcoming supplement.

HB 996 -- Payroll Deductions For State
Employees

Sponsor: Schlef

Committee Action: Reported from the Labor Committee on a 10-0 vote.

This bill requires the Office of Administration to provide for payroll deductions of fringe benefit fees and union dues for state employees. The current law only allows the Office of Administration to provide this service.

Fiscal Note: Not prepared at time of publication.

Proponents: Supporters say the Office of Administration has interpreted existing law as permissive and has delayed dues-checkoffs for a year. This bill corrects the problem by making implementation clearly imperative. Testifying for the bill were Representative Schlef; American Federation of State, County and Municipal Employees; and the Missouri Nurses Association.

Opponents: Those who oppose the bill say antiquated payroll procedures and computer systems now in use make the dues-checkoffs difficult to implement immediately. Testifying against the bill was Daniel P. Card, II of Jefferson City, Missouri.

HB 1023 -- Abuse of Adults by an Adult
Family or Household Member

Sponsors: Buechner and Shear, et al
Committee Action: Reported from the Civil
and Criminal Justice Committee on a
10-0 vote.

This bill would allow an adult who has been abused to seek injunctive relief against the person causing the abuse. Abuse includes inflicting or attempting to inflict physical injury; sexual compulsion and impairing the adult's emotional well being by actions including, but not limited to, repeated telephone calls, physical restraint, damage to personal property of the abused or harassment.

If good cause is shown, the court can issue an ex parte order for protection. A hearing to dissolve or make permanent the ex parte order must be held within ten days of the issuance of the order.

The court may direct the respondent to refrain from abusing or threatening to abuse the plaintiff, evict the respondent from the residence or require the respondent to provide the petitioner with any other relief which is proper under the circumstances.

Law enforcement agencies are to establish domestic crises teams to deal with family and household crises. The members of these teams are to be trained to deal with such crises.

The bill applies to both married and unmarried adults.

Proponents: Supporters say the present system is not adequate to protect a person from mental or physical abuse. To get relief from the courts, a person must go through a criminal trial or domestic relations trial. Many people, male and female, will not prosecute a case because of fear of ridicule, economic

dependance or fear of violent reprocus-
sions. This bill will not cure all the
problems concerned with spouse abuse, but
it will provide a means to get immediate
help for a person being abused.

Testifying for the bill were Representa-
tives Shear and Buechner; Legal Aid
Society of St. Louis County; Women's
Self Help Center; Legal Aid Society of
Missouri; Edward Maguire, Social Worker
and Counselor from Sikeston, Missouri;
Reverand Nancy Gorsuch, Five Church
Association, St. Louis; and Missouri
State Women's Political Caucus.

Opponents: There was no opposition voiced
to the committee.

HB 1077 -- Punishment for Littering

Sponsor: Brady

Committee Action: Reported from the Civil
and Criminal Justice Committee on a 9-0
vote.

This bill would allow a court to require,
as an additional or alternative punishment
for littering, the violator to remove all
litter from a public road or state or
federal highway. The judge is to coordinate
this punishment with the state highway depart-
ment.

Proponents: Supporters say littering is a
costly problem. It is estimated that
the removal of litter costs \$33 to \$40
a mile. This bill would require a
person who litters to help solve the
problem he or she creates.

Testifying for the bill was Representa-
tive Brady.

Opponents: There was no opposition voiced
to the committee.

HB 1471 -- Adoption Under a Foreign
Country's Laws

Sponsor: Feigenbaum

Committee Action: Reported from the Civil
and Criminal Justice Committee on a 9-0
vote.

This bill would allow a child adopted under
the laws of a foreign country to be treated
for all purposes as a child born of the
adoptive parent.

Proponents: Supporters say this bill would
force Missouri to recognize adoptions
lawfully recognized by foreign nations
and federal law. Presently, Missouri
residents can adopt foreign children,
but state law forces them to go through
a costly, duplicate Missouri adoption.
There are not enough children for all
those parents wanting to adopt. A
foreign adoption is a reasonable alterna-
tive.

Testifying for the bill were Representa-
tives Feigenbaum and Boschert and Rick
Heter, Jerry Lux and Clifton Borgschulte,
parents of adopted children.

Opponents: There was no opposition voiced
to the bill in committee.

HB 1775 -- Words Required on a Notary Seal

Sponsor: Dill

Committee Action: Reported from the Civil and Criminal Justice Committee on a 7-1 vote.

This bill would allow a notary's seal to contain either "State of Missouri" or "(name of county) County, Missouri" on it, along with the words "Notary Public" and the notary's name.

Proponents: Supporters say this bill would allow notaries to keep their present seals when their commissions expire. At present, the name of the notary's county appears on their seal, but according to the 1977 change in the notary law, the phrase "State of Missouri" replaced county designation. Under the existing law, a notary would have to buy a new seal to come into compliance with the law.

Testifying for the bill was Representative Dill.

Opponents: Those who oppose the bill say the bill would create confusion in the notary field because two different seals could be used.

Testifying against the bill were James Kirkpatrick, Secretary of State and Pat Taggart, Director, Commissions Division, Secretary of State Office.

HB 1480 -- Inspections by the Conservation
Department

Sponsor: DeCoster

Committee Action: Reported from the Civil
and Criminal Justice Committee on a 9-0
vote.

This bill would make a conservation department agent or officer liable for any unlawful searches, examinations and seizures he would conduct.

The bill also makes it an infraction for a warehouse, merchant, common carrier or agent, servant or employee thereof, to prohibit a conservation department agent from examining any package in which it is suspected that wildlife is being transported or possessed illegally or being carried in a falsely labeled package.

The effective date of this act is January 1, 1979.

Proponents: Supporters say every person should be liable for their unlawful searches and seizures. No one should be allowed to have unchecked search power. The bill used the term "infraction" to bring it into compliance with the criminal code.

Testifying for the bill was Representative DeCoster.

Opponents: There was no opposition voiced to the committee.

HB 1353, HCA 1,2 -- Conservation of Certain
Archaeological and
Historical Resources

Sponsors: Mead, Lynn, and Griffin, et al
Committee Action: Reported from the Parks, Recreation and Natural Resources Committee on a 17-1 vote.

This bill creates a State Historical Preservation Office in the Department of Natural Resources. It gives the state the exclusive right to conduct archaeological investigations on state owned lands. All specimens derived from these investigations become the property of the state.

The State Historical Preservation Office can issue permits for field investigations on state lands to reputable museums, universities or other historical and educational institutions.

Any person who knowingly conducts field investigations on state lands without first obtaining a permit, or who knowingly defaces, or destroys any archaeological or historical site or specimen is guilty of a misdemeanor. Punishment is a fine not to exceed \$500 or confinement in a county jail not to exceed six months or both, and shall forfeit to the state all specimens collected.

HCA 1 -- allows amateur archaeologists to investigate on state owned lands as long as they are under professional supervision. It also changes the land falling under the regulations of this bill from state owned and controlled lands to state owned and managed land.

HCA 2 -- removes some unnecessary language from the bill. Also, it requires the state historical preservation officer to remove any specimens in a manner minimizing any delay in any state projects.

Fiscal Note: Total cost for FY 1978-79 is
\$33,589, half paid by general revenue and
half paid by federal funds. Total cost for

FY 1979-80 is \$39,214, half paid by general revenue and half paid by federal funds.

Proponents: Supporters say it is important to preserve these artifacts while the state has the chance. This bill would help save some of these relics as well as keep them in the state.

Testifying for the bill were the University of Missouri, Columbia; Missouri Archaeological Society; Ed Stegner, ex-director of the Conservation Federation; Missouri Highway Department; and Heritage Trust.

Opponents: No opposition was voiced to the committee.

HB 1324 -- Water Based Fertilizer

Sponsor: Buechner and Defield
Committee Action: Reported from the State Parks,
Recreation and Natural Resources Committee on
a 16-1 vote, with one member voting present.

The bill allows water-based fertilizer companies to condemn land in order to lay pipelines. The provision is added to the bill which already allows road, railroad, street, railway, telephone, telegraph, or electric condemnation.

The pipeline would be the same kind used for and could be used by natural gas suppliers. The fertilizer companies would not own the pipeline and all fertilizer companies could use the same one.

Fifty feet of land would be required for construction, fifteen feet for permanent easement. The companies would have to pay for any damages outside of 15 feet caused by a leaky pipe.

These pipelines would be regulated as public utilities.

Proponents: Supporters say this bill would enable water-based fertilizer to reach the farmers of Missouri more cheaply and more efficiently than the present method of shipment by truck.

Testifying for the bill was Representative Buechner.

Opponents: No opposition was voiced to the committee.

HB 1172 -- Energy Development

Sponsor: Russell (6)

Committee Action: Reported from the State Parks, Recreation and Natural Resources Committee on a 16-0 vote, with two members voting present.

The bill changes the title of the Environment Improvement Authority to the Environment Improvement and Energy Resources Authority. To the duties already the responsibility of the Environmental Improvement Authority is added that of energy development.

Proponents: Supporters say this authority would help businesses forming for the purpose of energy development to obtain funding. The bill comes under the Federal Enabling Act and would force nothing on anyone. The provisions of the bill would encourage Missourians to work toward energy development and perhaps ease the possibility of future problems. Testifying for the bill were the Environment Improvement Authority and the Department of Natural Resources.

Opponents: Those who oppose the bill say they are afraid this addition to the environment improvement authority will have an adverse affect on the present authority. They also feel the term "energy resource" is not defined clearly enough. Testifying against the bill was the St. Joseph Light and Power Company.

HCS HB 1225 -- Cave Protection

Sponsor: Nilges

Committee Action: Reported from the State Parks, Recreation and Natural Resources Committee on a 14-0 vote.

This bill makes it a class A misdemeanor to deface or destroy any part of a commercial cave or cavern. The penalty is a fine of \$1000 or confinement of one year or both.

The owner of the cave or cavern is given the authority to detain any person who violates this act until the appropriate peace officer arrives.

Proponents: Supporters say this bill would give cave owners some recourse when they see someone defacing their caverns. Missouri is one of the largest cave states in the world and should be proud of and protect these natural wonders.

Testifying for the bill were the Conservation Federation and the Department of Natural Resources.

Opponents: Those who oppose the bill say they would want the bill to include all caves, both commercial and private. Another bill, HB 1709, does this and that is the bill they support.

Testifying against the bill were the Speleological Survey and National Speleological Society.

HB 1150 -- Deer Hunting Clothing

Sponsors: Wallis and Heflin

Committee Action: Reported from the State Parks,
Recreation and Natural Resources Committee on
a 14-1 vote.

The bill requires deer hunters to wear a cap or hat and a shirt, vest or coat plainly visible from the front, back and sides made of material with a coloration known as daylight fluorescent orange.

The fine for violation is not more than \$50.

The conservation commission has sole jurisdiction to arrest.

Proponents: Supporters say most other states have this safety requirement and that the cost to the hunter is minimal.

Testifying for the bill was the Wildlife Commission.

Opponents: No opposition was voiced to the committee.

HB 1482, HCA 1 -- City Parks and Recreation-
al Facilities

Sponsor: Jones

Committee Action: Reported from the State
Parks, Recreation and Natural Resources
Committee on a 16-0 vote.

Present statutes individually authorize each class city to acquire and operate park and recreational programs. This bill will combine in one location authority for all cities regardless of size to acquire and operate park and recreation programs. The levies mentioned in the bill are not newly created. They are simply moved from other statutes in order to eliminate present duplication.

HCA 1 -- The bill had eliminated a special tax for band concerts. After the bill was put together, it was discovered that one town still uses such a tax. The amendment allows this town to continue using this tax. Also, the amendment changes the printing of the levy ballot from one reading "for" or "against" to one reading "yes" or "no".

Proponents: Supporters say that even though the bill looks as if it raises levies, it does not. They were established in 1923, and this bill will not change them. Also, schools have been severely limited in their ability to cooperate with cities in use of the facilities and in acquiring parks and recreation. The bill would provide broader flexibility for them.

Testifying for the bill was the Missouri Park Board Association.

Opponents: There was no opposition voiced to the committee.

HCS HB 1042 -- Relating to Banking Facilities

Sponsor: Copeland

Committee Action: Reported from the Banks and Financial Institutions Committee on a 11-0 vote.

This bill would allow any bank in a second-, third- or fourth-class county to operate a separate banking facility in that county in a town with a population of not more than 1,550. The town must not already have a main banking house, and the town cannot be more than twenty miles from the main office of the bank. This facility would be in addition to the drive-in and walk-up facility authorized by section 362.107. Loans could be made at any facility operated under the provisions of this bill or section 362.107.

Proponents: Supporters say this bill will allow banking services to be extended to communities without these services, and will clarify the ability of banks to make loans at these facilities. Banks are currently uncertain as to what they can do at the facilities.

Testifying for the bill were Representative McBride and James Spradling, representing First Union Bancorp, First National Charter Corp., Boatmen's Bancshares and Mercantile Bancorp.

Opponents: Those who oppose the bill say uniformity should be pursued in facility law. This bill increases the distance a facility may be from its main office to accomodate one community. A piecemeal approach is undesirable.

Testifying against the bill was the Missouri Independent Bankers Associations.

HCS HB 1141 -- Compensation of City
Treasurer and Collector of
Revenue

Sponsor: Williams

Committee Action: Reported from the
Insurance Committee on a 4-0 vote.

This bill would increase the salaries for the St. Louis City Treasurer and Collector of Revenue. It would also eliminate sections providing additional compensation for various duties of the two officers (82.516, 82.607 and 82.605) and would instead provide a single salary figure for each office as compensation for all duties. The treasurer's salary would be increased from a total of \$22,500 to \$25,000 (effective date, January 1, 1981), and the collector of revenue's salary would be increased from a total of \$22,500 to \$25,000 (effective date, January 1, 1979).

Proponents: Supporters say that the work of these offices has increased, but the salary has not. A letter was presented from the St. Louis Board of Estimate and Apportionment stating that the Board has approved the proposed salary increase for the Collector of Revenue.

Testifying for the bill were Representatives O'Toole and Zych and the St. Louis Collector of Revenue.

Opponents: There was no opposition voiced to the committee.

HCS HB 1284 -- Special Assessments for Improve-
ments

Sponsor: Williams

Committee Action: Reported from the Municipal
Corporations Committee on a 4-0 vote.

This bill would change the permissible percentage rates from 8% to 12% per annum payable by property owners who choose to pay a special assessment (under Section 88.816 RSMo.) in ten annual installments rather than a lump sum.

Proponents: Supporters say the contractors for special improvement projects are paid over a ten-year period and are currently limited to 8% interest on these payments. The interest rate is lower than any rates on loans available to homeowners paying the assessments, and banks are reluctant to discount the installment payments for contractors. As a result, contractors are overbidding on the project or not bidding at all. An increase in the interest rate should solve the problem.
Testifying for the bill was Representative Proffer.

Opponents: There was no opposition voiced to the committee.

HB 1076 -- Preference to Missouri Corporations
When Awarding Contracts

Sponsor: Brady

Committee Action: Reported from the Municipal Corporations Committee on a 4-0 vote.

This bill would require all agencies, departments, and political subdivisions of the state to give preference to Missouri corporations and individuals when awarding contracts, so long as quality and price are equal or better.

Proponents: Supporters say the bill would retain jobs in Missouri by encouraging purchase of services and products in Missouri. Testifying for the bill was Representative Brady.

Opponents: Some committee members question whether the bill would accomplish anything because there is no penalty provision or way of enforcing the provision.

HB 1059 -- Charges for Use and Maintenance
of Fire Hydrants

Sponsors: Becker and Lewis
Committee Action: Reported from the Municipal
Corporations Committee on a 4-0 vote.

This bill would prohibit charging any municipality or fire protection district for use and maintenance of fire hydrants or for water used for firefighting purposes. Such costs could be considered in setting rates to be charged other customers of a water system.

Proponents: Supporters say that this would allow water districts to add costs of fire department water use to water bills. Fire district assessments are reaching the limit set by law, making higher assessments for water use difficult. Testifying for the bill was Representative Becker.

Opponents: Those who oppose the bill say that in most districts, firemen serve people who are not paying water rate charges, so water district customers would be picking up the cost for fire protection services to others. Opponents say that they don't think they could raise rates enough to cover expenses of fire department water. They also say that most of the other water districts would also be opposed to the bill. Testifying against the bill were the manager of Water District C-1 and the Missouri Rural Water Association.

HCS HB 1412 and 1759 -- Product Liability
Insurance

Sponsor: Fendler

Committee Action: Reported from the Insurance
Committee on a 9-0 vote.

This bill would require that insurers, providing product liability coverage, file an annual report with the Commissioner of Insurance containing the following information: 1) total amount of premiums collected in Missouri and all states for product liability and for all other lines of insurance, 2) detailed information on claims against the insured, their disposition, amounts paid out for claims, for all claims against Missouri insureds, 3) and suits filed in connection with claims and outcome of the suits. The insurers would also be required to disclose the company's policy on setting reserves in connection with their product liability line and the value of securities in the company's investment portfolio.

The director of insurance would be required to make these reports available to the public in a manner which would not disclose names of any person, manufacturer or seller involved. The director would also have the discretion to extend time limits or to waive reporting requirements upon a showing that they would result in undue expense to the insurer or require an unreasonable length of time for compliance. The bill is declared to be an emergency act because of the serious situation resulting from the inability of small businessmen to obtain product liability insurance.

Proponents: Supporters say that insurance companies don't have enough information at present on product liability claims and awards, so actuaries can only guess when setting rates. This would also give the public and the legislature more information on why rates for small businessmen are so high. At present, there seems to be no rational relationship between claims and premiums in Missouri.

Testifying for the bill were the Missouri Product Liability Task Force, Commission for Responsible Consumerism, Division of Insurance and Independent Insurance Agents Association.

Opponents: Those who oppose the bill say that reporting requirements would be too great a burden on insurance companies. They also say that the nation-wide nature of product liability makes it unique and less amenable to state-rating techniques. Testifying against the bill was the American Insurance Association.

HB 1447, HCA 1 and 2 -- Unfair and Deceptive
Acts in the Insurance Business

Sponsors: Piekarski, Fendler, et al
Committee Action: Reported from the Insurance
Committee on a 9-1 vote.

This bill would make a number of revisions
in the existing Unfair Practices and Frauds
Act (Section 375.930 to 375.948 RSMo.),
including:

- (1) Addition of a provision governing
claim settlement practices and a provision
governing complaint handling procedures;
 - (2) Blue Cross/Blue Shield would be made
subject to the act (they are presently
exempt from the statute);
 - (3) "False statements and entries" made
in the insurance business (defined as an
unfair practice in the existing statute)
would be limited to those statements of
material fact knowingly made;
 - (4) Addition of a section prohibiting
coercion of loan applicants and debtors
in the sale of insurance and;
 - (5) Increasing the penalty for violation
of a cease and desist order from an
amount up to \$500 to an amount up to
\$5000 and would authorize the director
of insurance to initiate license suspen-
sion or revocation actions against violators.
- HCA 1 -- Would limit the definition of un-
fair settlement claims practices to those
committed with such frequency as to
indicate a business practice and would
delete violations of section 375.445 from
the list of unfair and deceptive acts
(but not limiting any liability under
375.445). The amendment would also rein-
state a section originally deleted in the
bill and allow nonparticipating life
insurance policyholders to continue to
receive bonuses.

HCA 2 -- Would amend the section prohibit-
ing denying the insured full freedom of
choice in the selection of certain li-
censed health care providers, so as to

include pharmacists and pharmacies in that list of health care providers.

Proponents: Supporters say the bill is consumer-oriented and based on a model act currently in effect in at least 24 states. Most companies voluntarily cooperate with the Division of Insurance when claims settlement problems arise, but a few companies have been causing a number of problems, and the division has no power to deal with the problems under existing law. The provision dealing with debtor coercion is necessary to remedy an enormous advantage that lending institutions currently have in selling insurance to borrowers.

Testifying for the bill were Representative Piekarski, the Division of Insurance, General American Life Insurance Company and Independent Insurance Agents of Missouri.

Opponents: Missouri Farmer's Association and State Farm essentially support the bill, but oppose the section governing claims settlement practices, as written. The section would require prompt and equitable settlement when the company's liability is "reasonably clear", and the companies argue that such a decision should be made by the judicial system rather than administratively. Missouri savings and loan associations are opposed only to the section governing sale of insurance to borrowers, arguing that consumers should have the right to be informed by the associations of lower premium rates available.

Testifying against the bill were State Farm Insurance Company, Missouri Farmer's Association Insurance Company and the Missouri Savings and Loan League.

HB 1210, HCA 1 -- Senior Citizens' Service
Centers

Sponsor: Raisch

Committee Action: Reported from the Social
Services and Medicaid Committee on a 6-0
vote.

The bill's stated intent is to identify a means to provide medical and supportive services to persons 60 years of age and older, to maintain their well-being and independence and to reduce the number of unwarranted entries into nursing homes.

The bill authorizes the Office of Aging to establish and oversee multi-service senior centers in each county, as permitted by the availability of funds, and to coordinate with the counties their participation in the programs of these centers. The bill provides that each center be staffed with a single management unit which is responsible for coordinating services by contracting with public or private organizations and by coordinating the efforts of local volunteers. The director of the Office of Aging is authorized to submit an evaluative two-year report on the program's costs and benefits. Further, the office is instructed to establish information centers designed to publicize these centers and their programs.

The bill stipulates that such centers be easily accessible and provide health, employment, counseling, information, legal and nutrition services as funds permit. In addition, in-home health, homemaking, meals and transportation services would be provided.

Fiscal Note: A fiscal note of \$920,679 for FY 1978-79 and \$1,783,504 for FY 1979-80 is attached to the bill.

Proponents: Supporters say that by providing increased services, including in-home care, the bill would allow more elderly persons to remain in their own homes and, thereby, reduce the number of persons

entering nursing homes.

Testifying for the bill was Representative Raisch.

Opponents: There was no opposition voiced to the bill in committee.

HB 1336, HCA 1 -- Emergency Assistance
Grants

Sponsors: Steinmetz (57) and Curls
Committee Action: Reported from the Social
Services and Medicaid Committee on a 7-0
vote.

The bill would instruct the Department of Social Services to formulate a program of emergency financial assistance to needy families with children. The program would provide one-time financial grants during a crisis situation that would create emergency needs in the terms of food, clothing, utilities, shelter or medical attention.

The bill stipulates that the program must be approved by the U.S. Department of Health, Education and Welfare and must qualify the state for appropriate federal funds. It provides that no more than 50% of the cost of the program shall come from the State General Revenue Funds (the remainder must be made up from federal matching funds).

The bill authorizes the Department of Social Services to determine when an emergency situation exists according to guidelines provided in the bill.

HCA 1 -- Would place a maximum ceiling of \$6,000,000 (from state funds) on the programs and limit administrative expenses of the program to no more than 3%. The amendment also stipulates that if additional services are required by federal regulations, the program will terminate.

Fiscal Note:

FY 1978-79	FY 1979-80
Total Cost	
\$6,000,000	\$6,000,000
Source of Funds	
\$3,000,000	\$3,000,000
(General Revenue)	
\$3,000,000	\$3,000,000
(Federal Funds)	

Proponents: Supporters say that such a bill would greatly assist the people of Missouri. Organizations such as the Red Cross and United Way provide emergency assistance programs, but it is maintained that these alone are not sufficient. Testifying for the bill were the Red Cross, United Way, Missouri Association for Social Services, Human Development Corp, Metropolitan Lutheran Ministry and the Division of Family Services.

Opponents: There was no opposition voiced to the committee.

HB 1100, HCA 1 -- Licensing Mentally
Retarded Facilities

Sponsor: Goode

Committee Action: Reported from the License and Related Matters Committee on a 6-0 vote.

The bill exempts facilities licensed by the Division of Health under Chapter 198, RSMo. from licensure by the Department of Mental Health. The Division of Mental Retardation Developmental Disabilities of the Department of Mental Health would certify these facilities as to their suitability for providing appropriate admission and commitment conditions and educational and training needs of the mentally retarded.

HCA 1 -- Limits the rules and regulations of the Department of Mental Health to affect only the following areas; staff, facilities, programs and financial responsibility to provide the care, treatment or custody of mentally retarded persons. The amendment also limits the information an applicant can be required to supply to evidence of ability to comply with the rules and regulations of the department.

Fiscal Note: The attached fiscal note shows a decrease of \$3,300 for FY 1978-79.

Proponents: Supporters say that the bill would eliminate dual licensing for certain facilities while still protecting the interests of the mentally retarded. Testifying for the bill were Representative Goode and the Department of Mental Health.

Opponents: There was no opposition voiced to the committee.

HB 1560, HCA 1 -- Registration of Apprentices by Cosmetology Board

Sponsor: Raisch

Committee Action: Reported from the License and Related Matters Committee on a 6-0 vote.

The bill would permit persons under the age of 17 to enroll in cosmetology courses which are conducted in the public schools.

HCA 1 -- Makes clear the exclusion of private cosmetology schools from the provisions above.

Proponents: Supporters say that the bill is needed to permit students to complete a two-year cosmetology course and graduate in the normal four-year period. The present law prevents many high school juniors from enrolling in the course since they have not reached their 17th birthday by the time school begins. Testifying for the bill was the St. Louis County Special School District.

Opponents: There was no opposition voiced to the committee.

HB 1466, HCA 1 and 2 -- Professional
Registration

Sponsors: Piekarski and Aikens

Committee Action: Reported from the License and Related Matters Committee on a 4-1 vote, with one member voting present.

This bill is an omnibus professional registration bill which creates a central professional registration fund, staggers licensing periods, creates a flexible fee schedule and brings certain sections into conformity with state reorganization.

HCA 1 -- Limits the adjustment of fees to the amount required for a unit's prorated share of the operating expenses of the administrative section of the Division of Professional Registration.

HCA 2 -- Removes nurses from the two-year licensing provisions of the bill.

Fiscal Note: The attached fiscal note shows an increase of \$28,999 for FY 1978-79 (10½ months) and \$24,537 for FY 1979-80.

Proponents: Supporters say that the bill is needed to utilize the staff of the State Department of Consumer Affairs, Regulation and Licensing properly and to modernize the licensing procedure. Testifying for the bill was the State Department of Consumer Affairs, Regulation and Licensing.

Opponents: The Nursing Board opposed the bill because they believe that a two-year license for nurses would limit their ability to protect the public from nurses

who violated professional standards.
Employment agencies opposed the bill because they feel that the legislature should retain control of the Professional Registration Fee Schedule.
Testifying for the bill were the Missouri State Board of Nursing and the Missouri Society of Professional Employment Agencies.

HB 1652 - Filing of Instruments in Class-One
Counties Having More Than One Re-
corder of Deeds Office

Sponsor: DePasco, et al

Committee Action: Reported from the Govern-
mental Organizations Committee on a 10-0
vote.

This bill would require a recorder of deeds,
who maintains more than one office for the re-
cording of deeds, to accept financing state-
ments and other instruments affecting personal
property and instruments for the recording of
land in either office without reference to the
location of the residence of the debtor or the
location of the land.

Proponents: Supporters say this is a conven-
ience measure for Jackson County. At pres-
ent, a person in Jackson County may have to
drive miles away from the nearest recorder's
office to a distant recorder's office be-
cause of the location of two range lines
within the county. Due to computers, any
record filed in either office would be shown
in the index of each recorder's office with-
in hours.

Opponents: No opposition was voiced to the
committee.

HB 1062 - Annexation of an Unincorporated Area

Sponsors: Binger, Becker and Esser

Committee Action: Reported from the Governmental Organizations Committee on a 10-0 vote.

This bill would require any city, town or village attempting to annex an unincorporated area to obtain approval for the annexation from the voters of the city, town or village and approval for the annexation from the voters of the unincorporated area.

Proponents: Supporters say many cities have annexed an area to increase their tax base but for many years were unable to provide city services for the annexed area. This bill will not stop annexations because if a city has something to offer, the voters of an unincorporated area will not oppose becoming part of the city. This bill requires cities to be fair to each area.

Testifying for the bill were Representatives Binger, Thomas, Creason, and Esser; Missouri Farm Bureau; North Crystal Heights Citizens Committee; Citizens Opposed to Costly Annexation (COCA) and numerous private citizens who had their support for the bill recorded by the committee.

Opponents: Those who oppose the bill say that areas around cities have the best of both worlds, that is, they shop, work and use the facilities of the cities but don't pay for any of these services and conveniences. HB 1062 would allow a fringe area to veto the growth of an entire community.

Testifying against the bill was the Missouri Municipal League.

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Testifying against the bill was the Missouri Municipal League.

HB 1743, HCA 1 and 2 -- State Aid for
County Bridges

Sponsor: Jones

Committee Action: Reported from the
Transportation Committee on a 14-0 vote.

This bill would establish guidelines for the implementation, administration and funding of county bridge construction or improvement; and, further, would create a county aid bridge fund to be used in the construction or improvement of county bridges.

The bill would authorize the State Highway Commission to work with the counties, or their subdivisions, to establish bridge project priorities with the county according to criteria outlined in the bill. The bill would authorize the Highway Commission to then establish state-wide priorities for bridge projects, advertise for sealed bids and determine administration of projects. The bill would further authorize the commissioner of administration to allocate funds and to coordinate with the state treasurer payments from the State Treasury. The county would be authorized to coordinate with the county treasurer payments from the county treasury.

The bill stipulates that no more than 80% of the total cost of any bridge project be paid from the county aid bridge fund--the remainder is to be made up from local funds made available by the county. A final provision would permit the use of any federal funds appropriated for county bridge projects unless otherwise provided by law.

HCA 2 -- Adds the number of existing bridges per county as a criterion in determining bridge project priorities.

Proponents: Supporters say that there exists an urgent need for the construction of new county bridges and the improvement of

existing bridges. They maintain that there is considerable difficulty in generating sufficient funds at the local level for such projects and that without this bill, funds are not available from the State Highway Department.

Testifying for the bill were Representative Jones, representatives of the State Highway Department and several presiding and associate judges representing various counties in Missouri.

Opponents: No one testified in opposition to the bill. However, Representative Osbourn raised doubts about the criteria for ranking bridge project priorities.

HB 1118 -- Aeronautical Charts and Directories

Sponsor: Griffin

Committee Action: Reported from the Transportation Committee on a 14-0 vote.

The bill would authorize the Department of Transportation, Division of Aviation to print aeronautical charts and an airport directory. Copies would be provided free of charge to all pilots of aircraft owned by the state. Remaining copies would be sold to the public at a price which would include printing, binding and delivery costs. Receipts would be paid to the director of revenue to be credited to the General Revenue Fund.

<u>Fiscal Note:</u>	FY 1978-79	FY 1979-80
Printing	\$21,668	\$23,185
Postage	7,463	7,985
Total	<u>\$29,131</u>	<u>\$31,170</u>

The total cost figures would reflect a decrease in the General Revenue Fund.

Proponents: Supporters say that such charts and directories would greatly benefit the pilots of the state. It is maintained that the current federal charts are confusing. Under the provisions of this bill, five federally prepared charts would be replaced by a single Division of Aviation chart.

Testifying for the bill were Representative Blakely and the Department of Transportation.

Opponents: There was no opposition voiced to the committee.

HB 1090, HCA 1 -- Weight Limit Warnings

Sponsor: Thomas

Committee Action: Reported from the
Transportation Committee on a 13-1 vote.

The bill would instruct the State Highway Department to erect signs on all roads containing bridges subject to the table included in the bill. The bill stipulates that such signs be placed where the roads in question intersect with roads not containing such bridges.

HCA 1 -- Would replace the above provisions of HB 1090 and instruct the State Highway Department to erect posted bridge signs on all roads which intersect with any other road containing a posted bridge. The amendment stipulates that such signs be placed within 1000 feet of the intersection.

Fiscal Note: A fiscal note showing an increase of \$196,284 in FY 1978-79 is attached to the bill.

Proponents: Supporters say that too often large trucks approach bridges with restricted weight limits and then find it impossible to turn around. It is maintained that truck drivers do not always have access to maps which state the weight limit of bridges, but that with properly placed weight limit signs, they could avoid restricted bridges. Testifying for the bill was the Missouri Truckers Association.

Opponents: Those who oppose the bill say that the bill would be unnecessary because maps stating bridge weight limits are adequately available. It would be

confusing to add more signs to already posted intersections and costly to produce and install the new signs.
Testifying against the bill was the Missouri State Highway Department.

HCS HB 1290 and 1339 -- Motorcycle Headgear
Requirements

Sponsor: Quarles

Committee Action: Reported from the Motor
Vehicle and Traffic Regulations Committee
on a 5-4 vote.

The first provision of this substitute outlines an examination to be administered to motorcycle operators, designed to demonstrate their ability to safely and properly operate a motorcycle. The bill stipulates that no written examination beyond that required for an operator's or chauffeur's license is required.

The second provision of this substitute would repeal the existing statute requiring the use of protective headgear for motorcycle operators or passengers, except for persons under the age of 18 or any person operating a motorcycle with only an instruction permit.

Proponents: Supporters say that the use of protective headgear should be optional at the discretion of individual motorcyclists. They maintain that the issue is one of person freedom of choice.

Testifying for the bill were the American Motorcycle Association and the American Brotherhood for the Abolishment of Totalitarian Enactments (ABATE) of Missouri.

Opponents: Those who oppose the bill say that protective headgear use should be mandatory. They maintain that statistics show a decrease in head injuries when motorcycle helmet use is made mandatory.

Testifying against the bill were the Missouri Driver and Traffic Safety Education Association and Missouri Farmers Association Insurance Company.

HB 1689 -- "Blue Curb" Bill

Sponsor: Barry

Committee Action: Reported from the Workmen's Compensation Committee on a 6-0 vote.

This bill includes persons with respiratory ailments in the statutory definition of physically disabled persons and empowers the Department of Revenue to require anyone applying for a "disabled" license plate to show certification of handicap from a physician. Other sections of the bill provide for enforcement of reserved handicapped parking areas on public streets and privately owned parking lots, which are to be marked by blue curbs and signs bearing the international wheelchair symbol. The bill also allows traffic policemen to ticket cars parked within three feet of curb ramps.

Fiscal Note: Additional costs are expected to be defrayed through increased charges for "disabled" license plates.

Proponents: Supporters say the bill would help those confined to wheelchairs to become independent and productive. However, many said the bill needed more "teeth" in its enforcement provisions. All saw Missouri as lagging behind other states in providing for disabled citizens.

Testifying for the bill were Representative Barry, Paralyzed Veterans of America, Occupational Therapy Association of Missouri, National Paraplegic Foundation, Rose Marie Kroll, Kenneth Kroll, Robert Huskey, Ruth Zander, Eldon Parker and Donna Moses.

Opponents: There was no opposition voiced to the committee.

HB 1528 -- Relating to Employment Security

Sponsor: Riley

Committee Action: Reported from the Employment Security and Fair Employment Practices on a 5-0 vote.

This bill changes the title of an employment security hearing officer from "referee" to "administrative law judge". No substantive changes are made in the employment security law.

Fiscal Note: No cost to the state is projected.

Proponents: Supporters say that the bill would correct statutory terminology to make it consistent with similar changes made in the workmen's compensation law last year.

Testifying for the bill was Representative Riley.

Opponents: No opposition was voiced to the committee.

HB 1527 -- Employment Security

Sponsor: Riley

Committee Action: Reported from the Employment Security and Fair Employment Practices Committee on a 5-0 vote.

This bill would establish the maximum amount of wages taxable in a year as a multiple of the maximum weekly benefit payable (78 times the maximum benefit). A claimant must have been paid wages equal to at least 26 times his weekly benefit in at least three calendar quarters to receive the maximum. It would also establish the maximum amount that can be paid to a claimant as an average weekly wage. That amount would be 50% of the average weekly wage. At the present time, the average weekly wage is approximately \$204.

Proponents: Supporters say that the taxable wage amount and weekly benefits would balance, and it would eventually lead to an increase of the unemployment benefits, because of the balance in the amount taxable and weekly benefit amount.

This bill would also prevent employers from receiving more benefits than they've paid into their account.

Testifying for the bill were Representative James Riley and the Division of Employment Security.

Opponents: Those who oppose the bill say that if the bill would pass it would cause businessmen within the state to lay-off individuals in order that they may have enough funds to make the possible increase in their other employers wages.

Testifying against the bill was Associated Industries of Missouri.

HCS HB 1267 and 1305 -- Claims for Unemployment Benefits

Sponsor: Barry and Schlef

Committee Action: Reported from the Employment Security and Fair Employment Practices Committee on a 5-0 vote.

This bill would eliminate the "waiting week", which is the first week of unemployment for which a claim is allowed in a benefit year. This bill would also increase unemployment benefits from \$85 weekly to \$92 weekly, as well as allow persons whose unemployment is due to a lockout because of a labor dispute to be eligible to file a claim to receive unemployment benefits.

Opponents: Supporters say that an increase is needed because of inflation, and it would help workers who are unemployed due to labor disputes or other situations over which they have no control. Testifying for the bill were Representatives Schlef and Barry.

Opponents: The Division of Employment Security argues that more time is needed to prepare its budget for such an increase in benefits. The division has \$117 million budgeted for unemployment benefits, but if these funds are spent due to an increase in benefits, they fear that it would cause the division to have to borrow money from the federal government. They oppose such borrowing because it sets standards for any funds granted to state governmental agencies. Testifying against the bill were the Associated Industries, the director of the Missouri Division of Employment Security and the Missouri Chamber of Commerce.

HOUSE PERFECTION CALENDAR

Week of February 20, 1978

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HCS HJR 66, 71 - pg. 166 (Held Over)
HJR 74 - pg. 261
HJR 62 - pg. 262
HCS HJR 87 - pg. 263

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HB 1302 - pgs. 50,51
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HB 914 - pgs. 53,54
HB 972 - pgs. 55,56
HCS HB 998,1135,
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HB 1325 - pg. 79
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HB 1247 - pg. 82
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HCS HB 879, 899 - pgs. 93,94
HCS HB 892 - pgs. 95,96
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HCS HB 905 - pgs. 104,105
HB 1445 - pgs. 106,107,108
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HB 1203 - pg. 114
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HCS HB 968 - pg. 116*
HB 1080 - pgs. 117,118
HCS HB 1255 - pg. 119*
HB 1362 - pg. 120
HCS HB 1359, 1360,
1361, 1363 - pg. 121*
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HB 1165 - pg. 123
HCS HB 1124 - pg. 124
HB 1474 - pg. 125
HB 1000 - pg. 126
HB 1022 - pg. 127
HB 1122 - pg. 128
HB 1241 - pg. 129
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HB 1467 - pgs. 131,132
HB 1181 - pg. 133
HB 1279 - pgs. 134,135
HB 1114 - pg. 136
HB 1614 - pg. 137
HB 1276 - pg. 138
HCS HB 949, 1266 - pgs. 139,140
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* This addition contains amended or corrected material. Please take note of correction and destroy the original page or pages.

Prepared by House Research Staff
Kenneth J. Rothman, Speaker

HCS HB 968 -- Energy Tax Rebate

Sponsor: Riley

Committee Action: Reported from the Consumer Protection Committee on an 11-5 vote.

The substitute permits an additional \$100 tax credit for persons qualifying for the "circuit breaker" tax credit. If the additional credit exceeds the income taxes due, the person will receive a payment of the amount in excess.

Fiscal Note: The bill would cause a decrease in general revenue of \$7,000,000 for FY 1978-79 and \$7,500,000 for FY 1979-80.

Proponents: Supporters say that a direct tax credit will involve no major administrative cost to the state and will avoid some of the problems of a stamp program.
Testifying for the bill was Representative Fred Williams.

Opponents: No one appeared in opposition to the bill.

HCS HB 1255 -- Performance Bond For Home Im-
provement Work

Sponsor: Riley

Committee Action: Reported from the Consumer
Protection Committee on a 20-0 vote.

This bill requires home improvement contractors who do not have an established place of business within the state and within one hundred miles of the place where the work is to be done to post a performance bond with the county clerk in the amount of the work to be done.

Proponents: Supporters say that homeowners are often taken advantage of by "fly-by-night" home improvement contractors. This bill would protect homeowners. Reputable contractors already post bonds for work they do. Testifying for the bill was the Missouri State Council of Carpenters.

Opponents: No opposition was voiced to the committee.

HCS HB 1359, 1360, 1361 and 1363 -- Credit Unions

Sponsor: Riley

Committee Action: Reported from the Consumer Protection Committee on a 19-1 vote.

The substitute makes a number of changes in the chapter on credit unions. Some of them are:

- 1) Credit unions are allowed to charge the same interest rates as other lenders. At present they can charge only one percent per annum.
- 2) Use of mail ballots for elections of credit union officers is permitted.
- 3) Investment powers of the board of directors may be delegated.
- 4) Funds in a central credit union are exempted from the 25% limit on investments of a single type.
- 5) The fiscal year and reserve requirements are changed to conform to federal requirements.
- 6) State supervision is extended to out-of-state credit unions with offices in the state.

Proponents: Supporters say that all the changes proposed are critically needed. For example, the change in allowable interest rate is needed to bring the credit union chapter into conformity with the constitutional prohibition of rate regulation by type of lender.
Testifying for the bill was the Missouri Credit Union League.

Opponents: No opposition was voiced to the committee.

HCS HB 1020 -- Legal Definition of Death

Sponsors: Downing and Griffin, et al
Committee Action: Reported from the Public
Health and Safety Committee on a 9-4 vote,
with two members voting present.

This bill recognizes that the occurrence of death shall be determined in accordance with the usual and customary standards of medical practice, provided this determination has met the following minimal requirements: 1) the irreversible cessation of spontaneous respiration and circulation, if these functions are not being artificially maintained, and 2) the total and irreversible cessation of brain function, i.e., brain death, if respiration and circulation are being artificially maintained.

Proponents: Supporters say that this legislation is necessary because vital functions can be maintained mechanically and the occurrence of death in this situation, as well as in the traditional view, must be recognized by law. It would allow the physician to use brain death legally as a criterion for death.

Testifying for the bill were Representative Downing, Representative Griffin and the Missouri Catholic Conference.

Opponents: No opposition was voiced to the committee.

HCS HB 1578 -- Unsolicited Commercial
Telephone Calls

Sponsor: Riley

Committee Action: Reported from the Consumer Protection Committee on a 13-1 vote, with two members voting present.

The substitute allows a person to notify the Public Service Commission that he does not want to receive telephone calls originating in an automated dialing system. If a person files such a notice, no automated system is permitted to call him. The substitute also requires anyone who telephones a residence in order to sell goods or services to state this clearly at the beginning of the call.

Proponents: Supporters say that a person should have the right to protect his privacy from unwanted intrusions by automated telephone calls or from commercial telephone calls. This right is already recognized for "junk mail". Testifying for the bill were Olson Survey Research, Public Service Commission, Missouri Public Interest Research Group and Southwestern Bell.

Opponents: There was no opposition voiced to the committee.

HB 965 -- Expiration of Special Offers

Sponsor: Williams

Committee Action: Reported from the Consumer Protection Committee on a 7-1 vote, with nine members voting present.

This bill requires that advertisements of special offers contain a conspicuous notice of the expiration date of the offer. For violating this requirement, an individual could be imprisoned for up to one year and fined up to \$1,000. A corporation could be fined up to \$5,000.

Proponents: Supporters say that consumers should be informed of the expiration dates of special offers.

Testifying for the bill were Senator Banks and the Department of Consumer Affairs, Regulation and Licensing.

Opponents: There was no opposition voiced to the bill in committee.

HJR 74 -- Membership of a County Charter
Commission

Sponsor: Nilges

Committee Action: Reported from the Governmental Organizations Committee on a 9-0 vote.

This bill would allow the qualified voters of the state to amend Article VI, section 18 (g) of the Missouri Constitution. By such amendment, the commission appointed to frame the charter would consist of two freeholders, one from each of the two major political parties from each township in the county. The present law requires the commission to be made up of fourteen members, seven from each major political party without regard to township.

Fiscal Note: A fiscal note of \$5,350 is attached to the bill.

Proponents: Supporters say this bill would prevent all commission members from being from the same city and thereby assure fairer representation on the commission.

Testifying for the bill was Representative Nilges.

Opponents: No opposition was voiced to the committee.

HJR 62 -- Automatic Exemptions from Jury Duty

Sponsors: Shear, Calloway and Baker

Committee Action: Reported from the Civil and Criminal Justice Committee on a 7-1 vote.

This bill would allow the voters to amend section 22(b) of Article I of the Constitution of Missouri. Such an amendment would remove the automatic exemption from jury duty for any woman who requests an exemption. This bill would allow the court to exempt any person for just cause.

Fiscal Note: A fiscal note of \$5,139 for FY 1978-79 is attached to the bill.

Proponents: Supporters say that this bill would prevent sexual bias in granting exclusions for jury service.
Testifying for the bill was Representative Shear.

Opponents: There was no opposition voiced to the committee.

HCS HJR 87 -- Legislative Powers Amendment

Sponsor: Marriott

Committee Action: Reported from the Fees,
Salaries and Retirement Committee on a
8-0 vote, with one member voting present.

The substitute is designed to clarify the language of the original resolution. The substitute would submit to the voters of Missouri for their approval the addition of one new section to Article III of the Missouri Constitution. The new section would require the legislative body which governs a retirement plan for public officials to file a statement of costs prior to taking final action on any substantial proposed changes in the future benefits of a retirement plan covering such officials.

This measure would also require that such a statement of costs be publicly accessible and be prepared by a qualified actuary according to specifications prepared by the general assembly.

Proponents: Supporters say that currently in the State of Missouri there exists a large number of retirement plans, all of which are more or less self-governing. It is believed that this bill would introduce one kind of uniform supervision and would, thereby, reduce or eliminate the kind of financial crisis and insufficient planning which have already faced some of these retirement plans.

Testifying for the bill were Representative Marriott, the Missouri Public Expenditure Survey, the Missouri Municipal League, Local Governments Employees' Retirement System and Don Price, administrative assistant to Mayor Conway of St. Louis.

Opponents: There was no opposition voiced to the committee.

HB 1001 -- Public Debt Funding

Sponsor: Goode

Committee Action: Reported from the House
Appropriations Committee on a 23-1 vote.

This bill provides \$17,903,637 to service public debts for education, pollution controls and public buildings. The committee's recommendation and that of the Governor are identical--\$5,654,331 is to be taken from the general fund and the rest from other special debt-retirement funds. For more information, see the appropriation committee staff report.

HCS HB 1002 -- Funding for Public Education

Sponsor: Goode

Committee Action: Reported from the House
Appropriations Committee on a 23-0 vote,
with one member voting present.

This bill provides funding for the Department of Elementary and Secondary Education and the State Board of Education. The Governor's recommendation for \$515,312,155 from general revenue was increased by the committee to \$515,612,155. The total appropriation is \$767,133,432. Additional funding includes \$190,754,277 in revenue sharing. For more information, refer to the appropriations staff report.

HCS HB 1003 -- Higher Education Funding

Sponsor: Goode

Committee Action: Reported from the House
Appropriations Committee on a 23-1 vote.

This bill appropriates funds for expenses, grants and distributions of the Department of Higher Education and for the budgets of Central Missouri State, Southeast Missouri State, Southwest Missouri State, Lincoln, Northeast Missouri State, Northwest Missouri State, Missouri Southern, Missouri Western and the four campuses of the University of Missouri. The total appropriation is \$283,443,587, or \$1,626,973 more than the Governor's recommendation. Sources include \$277,228,320 from general revenue and \$4,213,154 from federal funds. For additional information, refer to the appropriations committee staff report.

HCS HB 1004 -- Funding for the Department of
Revenue

Sponsor: Goode

Committee Action: Reported from the House Appropriations Committee on a 24-0 vote.

This bill provides \$181,334,296 for the Department of Revenue. \$103,347,727 comes from the general revenue fund and \$109,341 from federal sources. The committee recommendation is \$213,779 less than the Governor's recommendation. Part of the appropriation involves a transfer of money from the conservation commission fund to defray the cost of collecting the commission's 1/8 of one percent sales tax. For more information, see the appropriations committee staff report.

HCS HB 1005 -- Elected Officials and the
Office of Administration

Sponsor: Goode

Committee Action: Reported from the House
Appropriations Committee on a 24-0 vote.

This bill appropriates \$157,694,986 for the executive branch of the government and the Office of Administration. This figure is somewhat less than the Governor's recommendation of \$158,431,184. Of the total amount, \$112,850,540 is appropriated from general revenue and \$7,455,631 from federal funds. For further information, refer to the appropriations committee staff report.

HB 1006 -- Appropriation for the Judiciary

Sponsor: Goode

Committee Action: Reported from the House Appropriations Committee on a 22-2 vote.

This bill provides \$21,596,140 for the State Supreme Court; the Public Defender Commission; the Commission on Retirement, Removal and Discipline of Judges; and the Courts of Appeals. The Governor recommended an appropriation of \$21,799,879. The committee recommendation includes \$19,787,116 from general revenue and \$1,559,024 from federal monies. For additional information, refer to the appropriations committee staff report.

HCS HB 1007 -- Funding for Natural and
Economic Resources

Sponsor: Goode

Committee Action: Reported from the House
Appropriations Committee on a 18-0 vote.

This bill would appropriate a total of \$259,504,211 for the Departments of Agriculture; Conservation; Consumer Affairs, Regulation and Licensing Labor and Industrial Relations; and Natural Resources. Sources of funds include \$41,872,311 from general revenue, \$1,000,000 in revenue sharing and \$171,860,750 from other federal funds. The committee's recommendation is almost \$32 million less than the Governor's. For more information refer to the appropriation committee staff report.

HCS HB 1008 -- Appropriations for Transportation
and Law Enforcement

Sponsor: Goode

Committee Action: Reported from the House
Appropriations Committee on a 18-0 vote.

This bill would appropriate \$615,823,153 for the Department of Public Safety, the Department of Transportation and the Highway Department. The Governor recommended \$616,517,242. \$9,453,932 comes from general revenue and \$248,987,515 from federal sources. For additional information refer to the appropriations committee staff report.

HB 1081 -- Annual Audits by the State Auditor

Sponsor: Kenton, et al

Committee Action: Reported from the Governmental Organizations Committee on a 9-0 vote.

This bill requires the state auditor to audit each board, agency or other municipal agency which is not controlled by the governing body of the city, but which has a charter form of government and a population between 400,000 and 600,000 inhabitants.

Proponents: Supporters say this bill would only apply to Kansas City. At present there is no review system for independent municipal units. This bill would allow such a review.

Testifying for the bill was Representative Kenton.

Opponents: No opposition was voiced to the committee.

HB 1563 -- Sheriffs Contracting with Municipalities for Police Services

Sponsor: Brockfeld

Committee Action: Reported from the Governmental Organizations Committee on a 9-0 vote.

This bill would allow the sheriff of a third or fourth class county to contract with a municipality located in the county to provide police services for the municipality. The legislative body of the county must approve the contract.

Proponents: Supporters say this bill would allow smaller cities which do not have the financial resources to provide total law enforcement services to provide such services. Testifying for the bill were Representative Brockfeld, the Missouri Sheriffs' Association, and Missouri Municipal League.

Opponents: No opposition was voiced to the committee.

HCS HB 1822 -- Certification of Assessment
Clause

Sponsor: Vossmeier

Committee Action: Reported from the Governmental Review Committee on a 7-0 vote.

This bill would remove the February 1, 1978 deadline for the State Tax Commission to certify the average percent of true value ratios to the Department of Education. The State Tax Commission would have until April 1, 1978 to submit new ratios to be used in determining the equalized assessed valuation of the property of a school district for distributions of school foundation formula funds. An emergency clause is included.

Proponents: Supporters say some of the ratios are unrealistic. This bill would give the State Tax Commission time to recheck the data utilized in computing these ratios. Testifying for the bill were Representative Hamlett; Kelly Rogers, Macon School District; and Joel Kallem, Schuyler R-1 School District.

Opponents: No opposition was voiced to the committee.

HCS HB 1776 -- Relating to Abuse of Public
Assistance Programs

Sponsor: Vossmeier

Committee Action: Reported from the Govern-
mental Review Committee on a 6-1 vote.

This bill would add 20 new sections to chapter 208, RSMo., dealing with abuse of public assistance programs. According to the provisions of this bill, a person shall not: make a false statement or misrepresentation of fact in any application for benefits or in determining eligibility for such benefits; fail to disclose any event that affects eligibility with the intent to secure greater benefits than are due; or convert a benefit or payment received for the use of another to any other use. A person shall not solicit or receive, nor offer to make, a kickback, bribe or rebate on a service or good for which payment is made under chapter 208. A person shall not intentionally misrepresent the conditions or operation of any institution or facility in order to qualify that institution or facility to receive funds under chapter 208. A vendor or health care provider convicted of a violation of these provisions would be prohibited from receiving future moneys under chapter 208 unless reinstated by the director of the Department of Social Services.

The attorney general would have the authority to investigate and prosecute suspected violations of these provisions. The attorney general would be able to demand documentary material relevant to such investigations, as well as require oral testimony and answers to written interrogatories. The attorney general would have the right to inspect without prior notice the records of any health care provider receiving moneys under this chapter. An individual could be served with a court order requiring an answer to any material question or the production of documentary material which could not be refused on the basis of self-incrimination. No person would be subject to

criminal prosecution on account of testimony or documentary material produced under court order. When the attorney general has reason to believe that a health care provider is violating any provision of chapter 208, he would be able to petition the director of the Department of Social Services to stop payments under the chapter, pending completion of any investigation and prosecution. The attorney general could investigate patient abuse or neglect in any institution receiving funds under chapter 208. Moneys misappropriated, overpaid or fraudulently obtained would be subject to civil restitution, as well as to recovery by administrative action.

Proponents: Supporters say that this bill would give the attorney general the authority to investigate and prosecute Medicaid and Medicare fraud cases. This authority is needed because these cases often involve more than one county. They say this bill would put everyone on notice that abuse of public assistance programs will not be tolerated.

Testifying for the bill were Representative Smith (46); Preston Dean, Assistant Attorney General; and the Department of Social Services.

Opponents: Representative Rust expressed concern for rural pharmacies which rely upon Medicaid to stay in business. If such pharmacies were closed down, entire areas would be without the services of a pharmacy.

HB 1245, HCA 1 -- School District Boards

Sponsor: Zych

Committee Action: Reported from the Education Committee on a 14-0 vote, with one member voting present.

Provision is made here for certain districts to change, from twelve to thirteen, the number of members comprising the Board of Education for that district. These districts would be mandated to subdivide into nine sub-districts with staggering elections for school board members from these subdistricts. Residency qualifications are set forth and disqualification guidelines established. By amendment, July 1, 1982 is provided as the effective date.

Proponents: Supporters say that the division into subdistricts would give the neighborhood greater input into the school election process. This division would also eliminate the problem of the school board reaching the impass of a six to six vote on an issue and, thereby, not being able to take action. Testifying for the bill was Representative Zych.

Opponents: There was no opposition voiced to the committee.

HB 1514 -- School Contracts in Certain Districts

Sponsor: Calloway

Committee Action: Reported from the Education Committee on a 13-0 vote, with one member voting present.

This bill increases from \$1,000 to \$3,000 the amount involved in a metropolitan school district bid before it must be referred from the superintendent of schools or his designate to the board of education. Subject contracts concern such areas as repairs, alterations or equipment used by the school.

Proponents: Supporters say with the inflationary cost of operation, the old limit of \$1,000 is no longer practical. This restriction causes delays, such as in having to advertise for the bids, and these delays often cause increased expenses. This bill would merely enable the school district concerned to keep operating efficiently. as the changing times have dictated. Testifying for the bill was the St. Louis Board of Education.

Opponents: There was no opposition voiced to the bill in committee.

HB 1312, HCA 1 -- Bilingual Education

Sponsor: Rojas

Committee Action: Reported from the Education Committee on a 14-0 vote.

This bill provides for a "program in transitional bilingual education" for school districts where five or more children have a limited speaking ability in English. The normal transitional period is determined to be three years, but provisions are made for both an early departure from or an extension of the program on an individual basis, depending upon the pupil's ability and/or needs. By amendment, the method of teacher certification is left with the Department of Education.

Fiscal Note: A fiscal note will be attached but is unavailable at this time.

Proponents: Supporters say that legislation of a similar nature exists in 41 other states. The main purpose is to allow teachers, when the need is present, to educate the children in a language the student commands until he or she is able to make the transition to English without that traumatic experience of having it forced upon them on their first day of school. Testifying for the bill was Robert Tyler.

Opponents: There was no opposition voiced to the committee.

HB 1667, HCA 1,2,3 -- Safety Measures for Public Employees

Sponsor: Blassie

Committee Action: Reported from the Workmen's Compensation Committee on a 5-0 vote.

This bill would prohibit public utility employees from entering unguarded manholes or working alone in excavations and would prohibit supervisors from ordering them to do so. Shoring is required for all excavations by the bill. Violation of the act is made a misdemeanor, with penalties stiffer for supervisors than for employees.

HCA 1 and 3 -- Eliminate all references in the bill to excavations and shoring.

HCA 2 -- Changes the section requiring a guard at each manhole so that it requires only another employee in the vicinity of the manhole.

Proponents: Supporters say that the bill protects workers from unnecessary hazards better than alternative remedies, such as arbitration and grievance proceedings. Costs incurred by arbitration must ultimately be paid by consumers.

Testifying for the bill were Representative Blassie and Communication Workers of America.

Opponents: Those who oppose the bill say that the bill would cost Southwestern Bell \$1.7 million this year in Missouri alone, which is much greater than the cost of arbitration. Few manhole jobs involve only one worker, and even these are protected by the Federal Occupational Safety and Health Administration and grievance procedures. Placing a guard over each manhole would not significantly improve the worker's safety, while it would endanger large numbers of employees above ground. Twelve of the eighteen manhole fatalities in the Bell System since 1955 involved the man above ground. The other six resulted from the worker's

disregard for safety procedures. Further,
the best place to deal with this problem
is at the bargaining table.
Testifying against the bill was Southwestern
Bell.

HB 1706 -- Age Requirements for Drivers of
School Buses and Common Carriers

Sponsor: Barry

Committee Action: Reported from the Motor
Vehicle and Traffic Regulations Committee
on a 8-1 vote.

This bill provides that a person 18 years of
age and who has a chauffeur's license may
drive a school bus, public or common carrier.

Proponents: Supporters say that this a further
step in obtaining the rights for 18-year
olds.

Testifying for the bill was the Associa-
tion of Students--University of Missouri.

Opponents: There was no opposition voiced
to the committee.

HCS HB 931 -- Campaign Trust Funds

Sponsor: Burke

Committee Action: Reported from the Elections
Committee on a 5-1 vote.

The substitute would provide for campaign trust funds to be used for general election campaign expenses for state offices, which would be funded by individual allocations of one dollar by individuals so indicating on their state income tax return.

Allocated money would be credited to campaign trust funds as follows: gubernatorial fund--25%; lieutenant governor, secretary of state, state treasurer, attorney general and state auditor--15% to each fund. Forty-eight percent of each fund would be paid to the nominee of each of the two political parties receiving the largest number of votes in the last gubernatorial election. The remaining four percent would be distributed to candidates of any party which received more than five percent of the vote in the last gubernatorial campaign.

A candidate may elect whether to receive the funds; if electing not to do so, the funds to which the candidate would have been entitled shall be allocated to those candidates for that office who have elected to receive funds under this act.

If electing to receive the trust funds, a candidate or "political committee or committees on behalf of, supporting or in favor of any such candidate" are limited to the following aggregate expenditures: for the gubernatorial campaign--\$450,000 or the candidate's percentage of the fund, whichever is greater.

The commissioner of administration would examine records which each committee treasurer is to keep, indicating the purposes for which campaign expenditures were made. Any sums spent for purposes other than those authorized by this act may be recovered in an action either by the commissioner or by individual voters.

Violations of the act would be a class A misdemeanor.

Fiscal Note: A fiscal note of \$660,000 for FY 1978-79, \$660,000 for FY 1979-80, \$740,000 for FY 1980-81 is attached to the bill.

Proponents: Supporters say the checkoff system would decrease the advantage now held by incumbents and candidates of great personal wealth. Besides decreasing the unwarranted influence of large donors on the campaign process. The bill would also help stem the runaway spending which has taken place in recent elections.

Testifying for the bill was the State Treasurer.

Opponents: No opposition was voiced to the committee.

HB 971, HCA 1,2,3,4 -- Relating to Elections

Sponsors: Burke, Mead and Holt

Committee Action: Reported from the Elections
Committee on a 6-0 vote.

This bill makes a number of revisions to bring election laws in harmony with the Comprehensive Election Act of 1977 including: conflicting election dates are eliminated; election notice requirements conflicting with the 1977 act are eliminated; eliminates provisions conflicting with the uniform vote counting procedures; strikes conflicting references in various chapters to selection and number of election officials; requires issues to be submitted to voters as measures which can be voted "yes" or "no" and deletes conflicting instructions; the standard term "voter" is substituted for various references to "qualified voters", "duly qualified electors" and "eligible voters"; eliminates penalty provisions conflicting with the 1977 act's uniform procedure for deciding tie votes; eliminates formulas conflicting with the uniform procedure in the 1977 act for allocation of costs when two political subdivisions vote on the same question.

The bill would also make the following changes in chapter 115 (RSMo Supp. 1975): deletes provisions applicable to elections held for land ownership only; includes district elections, such as school district elections, in the definition of municipal elections on the first Tuesday in April; includes an October date for elections in charter elections; eliminates the requirement that election notices be published in consecutive weeks and prohibits removal of a candidate's name from a sample ballot or official ballot, except on the candidate's death or a court order.

HCA 1 -- In addition to technical amendments, it would require election notices to be published in two newspapers "of different political faith" within the election area;

the first publication is to be at least 14 days prior to the election and the last within one week prior to the election.

HCA 3 -- Would permit county committees to be elected from wards as well as townships.

HCA 4 -- Would allow on-site storage of voting machines by election authorities.

Proponents: Supporters say that the election laws must be understandable by laymen, and that is now impossible because of inconsistencies in the existing law. If the bill isn't passed, election officials are being asked to do an impossible job. The bill would streamline election laws by eliminating inconsistencies and would reduce the bulk of the statute by approximately 50%.

Testifying for the bill was the County Clerk of Greene County and the Secretary of State.

Opponents: There was no opposition voiced to the committee.

HB 1634 -- Judicial Revision Article

Sponsor. O'Toole

Committee Action: Reported from the Judiciary Committee on a 14-0 vote.

This bill provides for the implementation of the Constitutional Amendment VI, adopted at the election of August 3, 1976, revising the system of courts in Missouri. The length of the bill is due to many mandated technical changes or changes in terminology--e.g., "magistrate" to "associate circuit judge". A summary of the major substitution changes is as follows:

The Judicial Article mandates on January 2, 1979, a single trial court--the circuit court, but with provision made for three categories of judges--the circuit judges (present circuit judges, probate judges in counties of over 65,000 population and judges of the St. Louis court of criminal corrections), associate circuit judges (probate judges in counties of under 65,000 population and magistrates) and municipal judges. Probate judges, magistrate judges and judges of the St. Louis court of criminal correction in office on January 1, 1979, succeed to new judgeships on January 2, 1979, and serve out their terms in such capacities. Municipalities of under 400,000 in population may, and those of over 400,000 must, make provision for municipal judges to hear municipal ordinance violation cases; and if such provision is not made, municipalities may file such cases before an associate circuit judge.

Flowing from the single trial court requirement is the concept of the circuit court possessing original jurisdiction of all civil and criminal cases, with the three categories of judges to hear and determine different categories of that jurisdiction.

The Judicial Article provides for the election of a circuit judge to be the presiding judge of the circuit, with both the circuit and associate circuit judges of the circuit voting for such judge. The proposed legislation provides for a two-year term.

Circuit clerks will continue to be elected, except where they are currently appointed (i.e., St. Louis County and Jackson County [court administrator]). Each circuit clerk will also appoint his or her deputies. The circuit clerk will have supervisory authority over all the records of the circuit court.

A new chapter of the statutes would be provided to apply to municipal judges, and scattered provisions in the present statutes relating to "police judges", municipal courts", etc., would be repealed.

In each county there will be a "probate division of the circuit court". In counties of over 65,000 population, the probate judge on January 2, 1979, will become a circuit judge and serve as the judge of the probate division, and in counties of under 65,000 population, the probate judge will become an associate circuit judge and serve as the judge of the probate division.

The amount of court costs now provided in circuit court, magistrate court and probate court would generally continue. The division of those costs between the state and the counties would continue in the same pattern for the respective type of cases until July 1, 1981. Thereafter, that being the date the bulk of the clerical salaries would begin to be paid by the state, eighty percent of the fees would go to the state and twenty percent would go to the county--this division being without respect to the type of case (i.e., probate, misdemeanor, etc.). The amount of the fees chargeable in the various types of cases would not change on that date.

Fiscal Note:

Source of Funds: General Revenue Fund

FY 1978-79

(6 months)

Income	\$ -0-
Judicial Costs	936,392
Administrative Costs	111,557
Net Decrease	<u>\$1,047,949</u>

FY 1979-80	FY 1980-81	FY 1981-82
\$ 400,000	\$ 400,000	\$ 1,955,720
2,975,392	2,965,318	15,157,011
558,568	550,388	589,817
<u>\$3,133,931</u>	<u>\$3,115,706</u>	<u>\$13,691,108</u>

Proponents: Supporters say that this legislation offers a more efficient approach to litigation--a "one trial court" approach; a carefully drawn piece of legislation necessary for the implementation and successful coordination of the Constitutional Amendment VI, adopted August 3, 1976. Testifying for the bill were the Missouri Bar, Chief Justice Morgan, Missouri Association of Counties, Trial Judges Association, Missouri Magistrate and Probate Judges and Circuit Clerks Association.

Opponents: No one spoke in opposition to the bill, but concern was expressed as to the cost to the state and counties and control or supervision of circuit clerks.

HB 1491, HCA 1 -- Nonsupport Actions Which
Build in Determinations of Paternity

Sponsor: Fickle

Committee Action: Reported from the Civil
and Criminal Justice Committee on a 10-0
vote.

This bill requires a separate determination of paternity be held before a man can be charged with nonsupport of a child under the age of 16 born out of wedlock. The bill further makes nonsupport a class A misdemeanor.

HCA 1 -- Requires any "person" to provide adequate support for his "spouse", rather than requiring a "man" to provide adequate support for his "wife".

Proponents: Supporters say that the present law allows paternity to be determined in instances of nonsupport. In certain cases, a man will support a child he does not believe he fathered, rather than contest the child's paternity because he fears a jail sentence if he does not support the child. He, thereby, is forced to admit paternity circumstantially.
Testifying for the bill was Representative Fickle.

Opponents: There was no opposition voiced to the committee.

HB 1766, HCA 1 -- Services for Crime Victims

Sponsor: Cairns

Committee Action: Reported from the Civil and Criminal Justice Committee on a 11-1 vote.

This bill allows the attorney general to contract with public or private agencies to provide direct assistance, emergency services or intervention counseling and victim advocacy to victims of crimes. The victim must report the crime to law enforcement officials within 48 hours. Services will not be provided to someone who commits the crime or to a person injured by a motor vehicle, boat or airplane, unless the vehicle was used as a weapon to injure the person.

The attorney general can institute court actions for restitution for the victim or for the state fund established to provide emergency services for victims of crimes.

HCA 1 -- Would change the definition of the term "person injury" from "actual bodily harm" and shall include pregnancy resulting from a crime of sexual violence in "actual bodily harm".

Fiscal Note: A fiscal note of \$21,257 for FY 1978-79 and \$22,297 for FY 1979-80 is attached to the bill.

Proponents: Supporters say that this is not a compensation bill but allows services to be provided to victims of crimes. Most of these services are provided by concerned volunteers who are able to provide counseling, arrange funerals, negotiate payment plans with creditors, find food and clothing and link the victim with other service agencies. Testifying for the bill were Representative Cairns, Women's Crusade Against Crime and National Council of Jewish Women.

Opponents: There was no opposition voiced to the committee.

HB 1734 -- Peripheral Zoning

Sponsor: Brown

Committee Action: Reported from the Urban Affairs Committee on a 11-0 vote.

This bill would amend section 89.144 (RSMo Supp. 1975) to authorize any city, town or village (instead of just third class cities with a population of at least 25,000) to adopt and enforce zoning and building regulations for unincorporated areas extending two miles out from the city limits. It would also provide that landowners in the peripheral areas be represented on the planning or zoning commission and on the board of adjustment.

Proponents: Supporters say that the bill would prevent future problems which could arise when areas around cities are developed without any planning. The bill deals only with planning and zoning and not with taxation or annexation authority over peripheral areas. Ultimate control still would remain with the county court.

Testifying for the bill were the Northwest Board of Realtors, the Maryville Citizens for Action, the Missouri Association of Realtors and the Missouri Municipal League.

Opponents: There was no opposition voiced to the committee.

HB 1328, HCA 1 -- Emergency Telephone System

Sponsor: Hadley

Committee Action: Reported from the Urban Affairs Committee on a 8-3 vote.

This bill would authorize the counties in the Kansas City metropolitan area to provide for the installation of an emergency "911" telephone system and to charge telephone customers for installation and operation of the system. Operational charges could not exceed 25 cents per month for each phone number, and installation charges would be limited to 35 cents per month for one year for each phone number. The charges would be added to the regular monthly bill collected by the telephone company.

HCA 1 -- Would exempt charges imposed for the "911" system from all state and local sales and use taxes and from any municipal franchise tax not imposed under a governmental charter.

Proponents: Supporters say that the "911" system provides one easy number to remember and dial for emergency services. The system is a time saver and allows better coordination between emergency services. Because of the unique problems in dealing with the large number of political subdivisions in the Kansas City area, the surcharge method of financing the system is the most feasible. Also, many counties and cities within the region are very near their constitutional limitations on taxing authority.

Testifying for the bill were the Mid-America Regional Council and Representative Sharp.

Opponents: Those who oppose the bill say that they agree with the "911" system, but not with the method of financing under the bill. The system is a governmental service, not a phone service, so it is unfair to charge

only phone customers. Because the bill sets limits on the charges, if inflation increased costs, they would have to go through the lengthy legislative process to get an increase. Testifying against the bill were Southwestern Bell Telephone Company and United Telephone Company.

HB 1499 -- Establishing a Division of Substance Abuse

Sponsor: Schlef

Committee Action: Reported from the Public Health and Safety Committee on a 8-2 vote, with five members voting present.

(This bill would establish the Division of Alcoholism and Drug Abuse within the Department of Mental Health. The duties of the division would include development of local and regional programs in substance abuse and establishment of a comprehensive treatment program covering standards and certification of all abuse programs. The director of the division is also authorized to establish an "Inter-agency Council on Substance Abuse", whose duties will be the coordination and exchange of information on all programs relating to substance abuse from all state departments.

(Proponents: Supporters say that this bill will provide for the coordination of all state agencies involved with substance abuse and the elimination of redundant programs. Testifying for the bill were Representative O'Connor for Representative Schlef, the Division of Alcoholism and Drug Abuse, Missouri Junior Chamber of Commerce and John Britton.

Opponents: There was no opposition voiced to the committee.

HB 1017 -- Medical Office Buildings at County
Hospitals

Sponsors: Maddox and Downing
Committee Action: Reported from the Public
Health and Safety Committee on a 11-1 vote,
with three members voting present.

This bill would include office buildings for hospital physicians and dentists as part of the county hospital complex, the construction of which could be financed by revenue bonds issued by the county court or the hospital board of directors.

Proponents: Supporters say that having medical office buildings attached to hospitals is another way to attract physicians to small rural hospitals and to encourage group practices. When offices are attached to hospitals, the physician can check patients both in the hospital and in the office more efficiently than when offices are at some other location. Such offices are also a financial asset as the space is rented to the physicians.

Testifying for the bill were Representative Maddox, Aurora Community Hospital and Missouri Hospital Association.

Opponents: No opposition was voiced to the committee.

HB 1631 -- Licensing of Home Health Agencies

Sponsors: Roderick and Lynn

Committee Action: Reported from the Public Health and Safety Committee on a 9-1 vote, with five members voting present.

This bill provides for licensing of home health agencies by the Division of Health. Provisional licenses will be issued to existing agencies. The bill specifies reasons for denial or revocation of licenses, procedures for complaints against any agency and subpoena protocol for hearings. An attested financial statement must accompany each annual renewal application. No fee schedule is given in the bill. Religious organizations which rely upon spiritual healing are exempted from licensure.

The bill also establishes the "Home Health Advisory Committee" to be appointed by the director of the Division of Health to assist the division in setting rules and standards for licensure. The membership, terms and compensation of the committee are specified.

Fiscal Note: The attached fiscal note shows a cost of \$45,092 in FY 1978-79 and \$54,645 in FY 1979-80, assuming there are 40 existing non-profit agencies, 30 existing private agencies, plus an anticipated 10 new organizations.

Proponents: Supporters say that home health care is a growing area in health care delivery. There are presently 30 private agencies, plus 40 governmental or voluntary agencies. These agencies are presently the only major providers of health care services that are not licensed by the state. Licensure can maintain minimum standards, will allow private agencies to participate in Medicare and Medicaid and can be tied to the Department of Health, Education and Welfare certification process. Home health care is another method by which health care costs can be contained.

Testifying for the bill were Representative Roderick, Homemakers Upjohn and the Division of Family Services.

Opponents: Those who oppose the bill say that licensure is a duplication of the Department of Health, Education and Welfare certification, and that there is no way provided to check oversaturation with providers. A certificate of need law is needed before licensure.

Testifying against the bill were the Visiting Nurse Association of Greater St. Louis and the Missouri Association of Home Health Agencies.

HOUSE PERFECTION CALENDAR

Week of February 27, 1978

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HJR 67 - pg. 87 (Held Over)
HCS HJR 66, 71 - pg. 166 (Held Over)
HJR 74 - pg. 261 (Held Over)
HJR 62 - pg. 262 (Held Over)
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HB 1082 - pgs. 60,61
HB 1378 - pg. 62
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HB 1531 - pg. 64
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HB 1413 - pgs. 68,69
HCS HB 1530 - pgs. 70,71
HB 987 - pg. 72
HB 881 - pg. 73
HB 1133 - pg. 74
HCS HB 918 - pgs. 75,76
HB 1025 - pg. 77
HB 1222 - pg. 78
HB 1325 - pg. 79
HB 1501 - pg. 80
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HB 1247 - pg. 82
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HB 1650 - pg. 90
HB 895 - pgs. 91,92
HCS HB 879, 899 - pgs. 93,94
HCS HB 892 - pgs. 95,96
HB 894 - pgs. 97,98
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HB 932 - pgs. 102,103

HOUSE BILLS HELD OVER (Cont.)

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HB 1445 - pgs. 106,107,108
HB 1446 - pgs. 109,110
HB 1377 - pg. 111
HB 1096 - pgs. 112,113
HB 1203 - pg. 114
HB 954 - pg. 115
HCS HB 968 - pg. 116
HB 1080 - pgs. 117,118
HCS HB 1255 - pg. 119
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HCS HB 1359, 1360,
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HCS HB 1124 - pg. 124
HB 1474 - pg. 125
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HCS HB 1399, 1534 - pg. 130
HB 1467 - pgs. 131,132
HB 1181 - pg. 133
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HB 1193 - pg. 156
HB 1157 - pg. 157
HB 1104 - pg. 158
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HB 957 - pg. 161
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HB 1309 - pg. 165
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HCS HB 1042 - pg. 232
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HCS HB 887 - pgs. 88,89 (Held Over)

INFORMAL CALENDAR

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HB 902 - pgs. 30,31 (Held Over)
HB 1226 - pg. 43
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* This addition contains amended or corrected material. Please take note of corrections and destroy the original page or pages.

Prepared by House Research Staff
Kenneth J. Rothman, Speaker

HB 1466, HCA 1 and 2 -- Professional Registration

Sponsors: Piekarski and Aikens

Committee Action: Reported from the License and Related Matters Committee on a 4-1 vote, with one member voting present.

This bill is an omnibus professional registration bill which creates a central professional registration fund, staggers licensing periods, creates a flexible fee schedule and brings certain sections into conformity with state reorganization.

HCA 1 -- Limits the adjustment of fees to the amount required for a unit's prorated share of the operating expenses of the administrative section of the Division of Professional Registration.

HCA 2 -- Removes nurses from the two-year licensing provisions of the bill.

Fiscal Note: Increase: undeterminable

Proponents: Supporters say that the bill is needed to utilize the staff of the State Department of Consumer Affairs, Regulation and Licensing properly and to modernize the licensing procedure. Testifying for the bill was the State Department of Consumer Affairs, Regulation and Licensing.

Opponents: The Nursing Board opposed the bill because they believe that a two-year license for nurses would limit their ability to protect the public from nurses

Sponsor: Cairns

Committee Action: Reported from the Civil and Criminal Justice Committee on a 11-1 vote.

This bill allows the attorney general to contract with public or private agencies to provide direct assistance, emergency services or intervention counseling and victim advocacy to victims of crimes. The victim must report the crime to law enforcement officials within 48 hours. Services will not be provided to someone who commits the crime or to a person injured by a motor vehicle, boat or airplane, unless the vehicle was used as a weapon to injure the person.

The attorney general can institute court actions for restitution for the victim or for the state fund established to provide emergency services for victims of crimes.

HCA 1 -- Would change the definition of the term "person injury" from "actual bodily harm and shall include pregnancy resulting from a crime of sexual violence" to "actual bodily harm".

Fiscal Note: A fiscal note of \$21,257 for Fy 1978-79 and \$22,297 for Fy 1979-80 is attached to the bill.

Proponents: Supporters say that this is not a compensation bill but allows services to be provided to victims of crimes. Most of these services are provided by concerned volunteers who are able to provide counseling, arrange funerals, negotiate payment plans with creditors, find food and clothing and link the victim with other service agencies. Testifying for the bill were Representative Cairns, Women's Crusade Against Crime and National Council of Jewish Women.

Opponents: There was no opposition voiced to the committee.

HCS HB 1009 -- Mental Health and Social
Services Appropriation

Sponsor: Goode

Committee Action: Reported from the House
Appropriations Committee on a 25-0 vote,
with two members voting present.

This bill provides funding for the Departments
of Mental Health and Social Services. For de-
tailed information refer to the appropriations
committee staff report.

HCS HB 1010 -- Salaries and Expenses for the
General Assembly and Certain
Employees

Sponsor: Goode

Committee Action: Reported from the House
Appropriations Committee on a 14-1 vote.

This bill appropriates \$10,720,028 from the general revenue fund for salaries and expenses of the General Assembly, the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on State Fiscal Affairs and the Committee on Administrative Rules and for interim committee expenses. This appropriation includes the pay increase enacted during 1977 for the 80th General Assembly. For more information, see the appropriations committee staff report.

HCS HB 1014 -- Emergency and Supplemental
Appropriations

Sponsor: Goode

Committee Action: Reported from the House
Appropriations Committee on a 15-0 vote.

This bill appropriates \$59,028,206 in emergency and supplemental funds for the Departments of Elementary and Secondary Education; Revenue; Natural Resources; Consumer Affairs, Regulation and Licensing; Labor and Industrial Relations; Highways; Public Safety; Mental Health and Social Services; for the Office of Administration; and the offices of the Governor and State Treasurer; for the Supreme Court and Courts of Appeals; and for the House of Representatives. Of this amount, \$23,415,992 will come from general revenue and \$33,658,529 from the federal government. Note that the \$59,637 emergency appropriation to the House of Representatives was for expenses incurred in the First Extraordinary Session of the 79th General Assembly. For more information, see the appropriations committee staff report.

HCS HB 1821 -- Highway Patrol Disability

Sponsor: Scaglia

Committee Action: Reported from the Fees,
Salaries and Retirement Committee on a
12-0 vote.

Under the provision of this bill, any uniformed member of the State Highway Patrol who becomes completely and permanently disabled as a result of injuries received in the performance of his duties shall be entitled to receive disability benefits, amounting to one-half of his annual compensation at the time of the disabling injury, less any amount paid by the workmen's compensation laws of the state.

Fiscal Note: It is estimated that for a single, average patrolman the cost to the State Highway Department Fund would be \$2,620 per year. (The fiscal note is identical for HB 1821 and its HCS.)

Proponents: Supporters say that currently, state highway patrolmen are not covered by any accidental disability program relating to injuries received in the line of duty. Such a program is urgently needed, as was recently evidenced by the injury of a patrolman who was engaged in the performance of his duties. (This is the first such disabling injury in the patrol's history.) Further, it is maintained that highway patrolmen in other states and other municipal law officers in Missouri are already covered by similar disability programs. Testifying for the bill were Representatives Scaglia and Usher and the Missouri State Highway Patrol.

Opponents: There was no opposition voiced to the committee.

HB 1437 -- Payments to Sheltered Workshops

Sponsors: Russell (58), et al

Committee Action: Reported from the Education Committee on a 13-0 vote.

Provided in this bill is an increase in the payments to Sheltered Workshops from \$4 per day to \$7 per day for qualified work days. The increase is extended over a three year period with an effective date of January 1, 1978.

Fiscal Note: Fiscal Note #1870 is attached which reflects that, under present assumptions, increased payments would run as follows: FY 1978-79 (6 months)--\$483,609; FY 1979-80--\$1,639,821; and FY 1980-81--\$3,048,650.

Proponents: Supporters say that the participants of the Sheltered Workshops provide an active and beneficial stimulus to our state's economy. These people, however, have been caught up in the common problem of inflation. In order to remunerate these handicapped individuals in an equitable fashion, it is important that they be given this graduating increase. Testifying for the bill were the State Treasurer's office and the Missouri Association of Sheltered Workshops.

Opponents: There was no opposition voiced to the bill in committee.

HCS HBs 1625 and 1722 -- Community Education
Program

Sponsor: Calloway

Committee Action: Reported from the Education
Committee on a 13-0 vote.

This house committee substitute would provide the legal authority and technical and financial assistance to school districts for the organization and administration of community education programs.

Fiscal Note: The attached fiscal note requests \$38,689 for FY 1978-79 (10½ months) and \$43,308 for FY 1979-80.

Proponents: Supporters say that a community education program brings the school district into a more direct partnership with its citizens in an attempt to provide a diverse range of community programs. It attempts to develop a high degree of inter-agency cooperation for the enrichment of the school and community alike. By mobilizing the community's total resources, it hopes to be of service to and benefit the entire citizenry, from preschoolers to senior citizens.
Testifying for the bill were the Midwest Community Education Development Center, St. Louis Community Schools and the Department of Elementary and Secondary Education.

Opponents: There was no opposition voiced against the bill in the committee.

HB 1314 -- Collection of Fees by Planning
Commissions

Sponsors: Creason, Hamilton, Brown, Dunning,
Baker and Walker

Committee Action: Reported from the Govern-
mental Organizations Committee on a 9-0
vote.

This bill would allow a planning commission to charge and collect a fee for the services it provides. The fee must have been established by commission rule. The bill sets the maximum amount the commission can spend as the amount of the fees it collects plus the amount appropriated to it by the county court.

Proponents: Supporters say that at present, planning commissions provide their services free, but these free services are a drain upon the resources of the commission. These commissions should be compensated for the services they provide. Testifying for the bill were Representative Creason; George Lemon, Attorney, Ray County Planning and Zoning; and Hobert Hanz and Monroe Fields, Ray County Planning and Zoning.

Opponents: There was no opposition voiced to the committee.

HB 1807 -- State Fire Marshall Employees

Sponsors: Egan and Ribaud

Committee Action: Reported from the Governmental Organizations Committee on a 9-0 vote.

This bill would eliminate the nine employee limit in the State Fire Marshall's office. Also, the position of "assistant director" is eliminated and replaced by the position of "chief deputy". The chief deputy must be at least 25 years old and have either five years experience in fire risk inspection, prevention or investigation work or a degree in fire protection engineering.

The position of "investigator" is eliminated and replaced by the position of "employee".

The bill would prevent an employee of the State Fire Marshall's office from holding any other office or employment while working for the fire marshall's office unless such office or employment is approved by the fire marshall.

Proponents: Supporters say that the changes indicated by this bill are at the request of the House governmental review committee to amend the statute to conform to existing practices in the State Fire Marshall's office.

Testifying for the bill were Representative Egan and James Helbig, State Fire Marshall.

Opponents: There was no opposition voiced to the bill in committee.

HB 1561 -- Department of Revenue Issuing Identification Cards for Persons Over the Age of Sixty-five

Sponsor: Raisch (107)

Committee Action: Reported from the Governmental Organizations Committee on a 9-0 vote.

This bill would allow a person 65 years of age or older to obtain a card from the Department of Revenue which can be used for identification purposes. The cards are to be signed by the director of the Department of Revenue and are to at least give the person's name, address, sex, date of birth and social security number.

The Department of Revenue can charge a fee for the card equal to the cost of issuing the card.

Proponents: Supporters say that senior citizens are eligible for various discounts on the showing of proper identification. It would be helpful to these people 65 or older to have a single identification card which is universally accepted as proof of identification so they might more easily receive these discounts.
Testifying for the bill was Representative Raisch (107).

Opponents: There was no opposition voiced to the committee.

HB 1700 -- Statute of Limitations for Legal
Malpractice Claims

Sponsor: Seay

Committee Action: Reported from the Civil
and Criminal Justice Committee on a 8-0
vote.

This bill requires every claim alleging legal malpractice to be brought within two years from the date of the occurrence of the alleged malpractice or within two years from the date on which the claimant, in the exercise of ordinary care, should have discovered the alleged malpractice. However, in no event may a malpractice claim be brought after ten years from the date of the occurrence of the alleged malpractice.

Proponents: Supporters say that this bill creates a ten year upper limit for legal malpractice claims. The insurance companies are raising the premiums for legal malpractice insurance today for what they say will be claims against the policy five to ten years away. This bill should stop or limit the practice.

Testifying for the bill were Representative Seay and W. D. McQuie, chairman, Insurance Programs Committee of the Missouri Bar Association.

Opponents: There was no opposition voiced to the committee.

HB 1698 -- Relating to Malpractice Insurance

Sponsor: Seay

Committee Action: Reported from the Civil and Criminal Justice Committee on a 8-0 vote.

This bill gives any three or more persons who are licensed under chapters 330, 331, 332, 334, 335, 336 and 338, RSMo, or Rule 8 of the Supreme Court of Missouri, the same privilege to form a business entity to provide malpractice insurance or indemnification upon an assessment plan as is afforded under sections 383.010 to 383.040. Professional corporations may also become members of such entities.

The definition of the term "persons" as used in sections 383.010 to 383.040, RSMo, is amended by the bill to include professional corporations.

Proponents: Supporters say at present, attorneys cannot underwrite their own malpractice risks. This bill makes such an option available. Attorneys would be allowed to form mutual malpractice insurance companies in the same manner as health care providers. Testifying for the bill were Representative Seay and W. D. McQuie, chairman of the Insurance Programs Committee of the Missouri Bar Association.

Opponents: No opposition was voiced to the committee.

HB 1107 -- Reporting Legal Malpractice Claims
to the Division of Insurance

Sponsor: Seay

Committee Action: Reported from the Civil
and Criminal Justice Committee on a 8-0
vote.

This bill requires any insurer providing legal malpractice insurance to report to the director of the Division of Insurance all legal malpractice insurance claims arising against attorneys, professional legal corporations and their employees acting within the scope of their employment. The report, which is to be confidential, specifies what information, i.e. name, address and age of the insured; insured's policy number; specialty coverage of the insured; nature and substance of the claim; name, address and age of the claimant; the date the claim arose; the disposition of the claim; the expenses incurred; and any other information the director might require to be given to the director. The director is to submit this report to the Supreme Court of Missouri and the Missouri Bar. Statistical summaries of this information is to be a public record. Insurers or their employees will not be liable or subject to any cause of action for submitting this information to the Division of Insurance.

Fiscal Note: A fiscal note providing for a decrease from general revenue of \$9,196 for FY 1978-79 and \$9,495 for FY 1979-80 is attached to the bill.

Proponents: Supporters say at present, insurance premiums for legal malpractice insurance is rising, but the rate increases cannot be justified by the low number of legal malpractice claims arising against Missouri

attorneys. This bill would give the state needed statistical information to determine if the increased rates are justified.

Testifying for the bill was Representative Seay.

Opponents: No opposition was voiced to the committee.

HB 1074 -- Relating to Unlawful Hunting

Sponsors: Patterson, Binger, Heflin and Park
Committee Action: Reported from the Civil
and Criminal Justice Committee on a 6-1
vote, with one member voting present.

This bill creates the crimes of unlawful hunting and hunting without permission. "Unlawful hunting" is committed if a person hunts or fishes on another's property, public road or railroad right-of-way without permission. As a penalty, the court can require an offender to forfeit his hunting and/or fishing license and to refrain from hunting and/or fishing for up to one year.

"Hunting without permission" is committed if a person hunts on posted land without permission. As a penalty, the court can require an offender to forfeit his hunting license and to refrain from hunting for up to one year.

Both crimes are class C misdemeanors. The effective date of the bill is January 1, 1979.

Proponents: Supporters say that this bill would help prevent the problem of people who hunt or fish on another's land without permission. The bill requires a person to have permission to hunt or fish or face the possible loss of his or her license.

Testifying for the bill was Representative Patterson.

Opponents: There was no opposition voiced to the committee.

HB 1604 -- Exemptions from Filing Requirements

Sponsors: Barnes and Riley

Committee Action: Reported from the Civil
and Criminal Justice Committee on a 7-0
vote.

This bill would remove the present filing exemption given to revenue obligations issued or guaranteed by the State of Missouri and any political subdivisions of the state or their agencies, corporations or instrumentalities.

Proponents: Supporters say that this bill does nothing to limit the issuance of revenue bonds but does assure that information concerning a revenue bond issue is given to the Secretary of State's office.

At present, revenue bonds can be issued without voter approval. The attorneys and accountants preparing the bond issue attach certificates to the effect that statements contained in the offering are correct, but no independent state or federal authority verifies the information.

Furthermore, there has never been a default on revenue obligations issued in Missouri. However, there have been defaults in Oklahoma and California, so the possibility of a default is not unknown. With the use of revenue bonds becoming more popular, this bill will assure that information about these revenue bonds is available to the public and that the Secretary of State's office is available to check the attorneys' and accountants' statements. Testifying for the bill was Representative Barnes.

Opponents: There was no opposition voiced to the committee.

HB 1430 -- Probate Revision Bill

Sponsor: Riley

Committee Action: Reported from the Judiciary
Committee on a 11-0 vote.

This bill would simplify the probating of a will in several regards, including: (a) admitting a properly executed will to probate without calling in the witnesses in a proceeding to "prove up" the will; (b) eliminating the requirement that the executor has to be a Missouri resident; (c) permitting the executor to pay all claims against the estate without getting approval from the probate court; (d) eliminating the semi-annual filing of a "settlement", a several page long accounting of all bills paid, all interest earned on savings accounts, etc.; (e) eliminating the requirement that all court pleadings be notarized.

Further, the bill would permit "independent administration": a will could be probated with minimal supervision by the court.

Finally, this bill would increase the share of the estate which goes to the surviving spouse when there is no will, reducing the share which would go to the parents of the deceased or children of both spouses. The surviving spouse would receive the entire estate if the deceased died without children or parents.

Proponents: Supporters say that this bill will allow for a more efficient administration of probate, reducing the cost to the estate and increasing the share to the survivors. Further allowed is a much needed simplification of claims and inventory procedure.

Testifying for the bill were the Missouri Bar Association, the Association of Retired Persons and the National Retired Teachers Association.

Opponents: No one spoke in opposition to the bill, but concern was expressed in permitting an out-of-state executor.

HB 1626 - Assistance and Protection, Battered
Women

Sponsor: Kennedy, et al

Committee Action: Reported from the Social Services Committee on a 7-1 vote.

The bill would establish programs for the assistance and protection of battered women. A battered woman is defined as a woman who has been assaulted by her husband, by a male relative or by a male with whom she is living or has lived with in the past. The director of the Department of Social Services would be instructed to designate four pilot programs which would provide emergency shelter services. Any public or private non-profit agency would be eligible to establish one of the four programs -- an application procedure is outlined by the bill. Each designated program would be required to comply with rules drawn up by the director.

The director would also be instructed to award grants for the establishment of educational programs designed to promote awareness of the problem. Any public or private non-profit agency would be eligible and those chosen would comply with the director's rules.

Once these are established, the director would appoint an advisory task force to help oversee these programs. The make-up and duties of this task force are outlined. The director would also appoint a project coordinator, whose duties are also outlined. Finally the director would organize data collecting methods designed to accumulate information pertaining to the problem of battered women.

Fiscal Note: A fiscal note showing that the total cost of \$725,026 for FY 1978-79 and \$888,770 for FY 1979-80 is to be equally divided between state and federal revenue funds is attached.

Proponents: Supporters say that legislation is desperately needed to aid and restore the well-being of battered women.

— Testifying for the bill was its sponsor,
Representative Kennedy.

Opponents: No opposition was voiced to the
committee.

HB 1526 -- Public Assistance

Sponsor: Curls

Committee Action: Reported from the Social Services and Medicaid Committee on a 6-1 vote.

This bill would increase the maximum public assistance benefits to unemployable persons to \$80 a month from the present \$70.

Fiscal Note: A fiscal note of \$577,500 for FY 1978-79 and \$660,000 for FY 1979-80 is attached to the bill. These figures represent both the increased cost of the bill's provisions and the amounts to be deducted from general revenue.

Proponents: Supporters say that due to the increasing cost of living, the recipients of these benefits are in need of an increase.
Testifying for the bill was Representative Curls.

Opponents: There was no opposition voiced to the committee.

HB 1198 -- Child Support

Sponsor: Dill

Committee Action: Reported from the Social Services and Medicaid Committee on a 6-0 vote.

This bill would repeal the provision of the existing statute which makes parental non-support of a stepchild a criminal offense. In other words, an adult would no longer be legally required to provide support to a stepchild.

<u>Fiscal Note:</u>	FY 1978-79	FY 1979-80
General Revenue	\$ 383,945	\$ 465,128
Federal Funds	<u>895,873</u>	<u>1,085,281</u>
Total Cost	\$1,279,818	\$1,550,409

(It is estimated that such a proposal would increase ADC and Medicaid payments.)

Proponents: Supporters say that they do not feel stepparents should be responsible for the support of stepchildren.

Testifying for the bill was Representative Dill.

Opponents: There was no opposition voiced to the committee.

Sponsor: Goward

Committee Action: Reported from the License and Related Matters Committee on a 4-0 vote.

This bill changes licensing provisions for nursing home administrators. The minimum age is lowered from 21 to 18, a high school diploma is required, two years of post secondary education counts as qualifying experience and experience must be as a health care administrator (current law provides only that an applicant's experience be as an employee of a nursing home). Reciprocal licensing with other states is provided for with some restrictions.

The Board of Nursing Home Administrators may require continuing education as a prerequisite for the renewal of a license under provisions of the bill. The bill also changes the makeup of the board by permitting the director of the Division of Family Services to assign his position to a designee and by changing the provision for two nurses on the board to two "licensed health professionals". Board members are forbidden to have any financial interest in a nursing home (required under federal law). The terms of board members are more closely defined.

The board is authorized to recommend the revocation of licenses of nursing homes operating without a licensed administrator.

HCA 1 -- Limits the continuing education requirement to no more than 48 hours; eliminates a provision that would have permitted the board to suspend, revoke or refuse to renew a license for reasons other than those specifically listed and makes other technical changes.

Proponents: Supporters say that the bill is needed to upgrade the quality of nursing home administrators for the benefit of the patients.

Testifying for the bill was the Missouri

Nursing Home Administrators.

Opponents: There was no opposition voiced to
the bill in committee.

HB 1520 -- Taxation of Persons and Corpora-
tions Making Certain Expenditures

Sponsor: Barnes

Committee Action: Reported from the Revenue
and Economics Committee on a 14-1 vote.

This bill would impose on tax exempt founda-
tions a tax in an amount equal to 100% of
any lobbying expenditures made by such a
foundation.

Proponents: Supporters say that the United
States Income Tax Act, known as the Tax
Reform Act of 1976, allows tax exempt
foundations to spend up to \$1 million per
year in lobbying expenses, even though
their direct interest is not concerned
with such lobbying expenses. Under
current law, one foundation may give money
to another foundation, which in turn may
use it for lobbying and need not report
the transactions. Representative Barnes
says such practices are occurring in
Missouri in regards to the proposed re-
assessment bill, and such practices could
affect other important issues before the
General Assembly and the State of Missouri.
Testifying for the bill was Representative
Barnes.

Opponents: There was no opposition voiced
to the bill in committee.

HCS HB 1685 -- Prohibition of Unregulated
Loan Brokeraging

Sponsor: Piekarski

Committee Action: Reported from the Urban
Affairs Committee on a 10-0 vote.

The substitute would make it illegal for persons, firms or corporations, other than banks, trust companies, savings and loan associations, credit unions, mortgage bankers, small loan companies regulated under chapter 367 or insurance companies, to receive a fee (other than one expressly provided in Chapter 408, RSMo) for arranging a consumer loan. Anyone convicted for doing so is guilty of a class B misdemeanor. Any contract providing for such a fee and loan would be fraudulent and void, and the borrower would be entitled to retain the proceeds of the loan and would not be obligated to repay the loan principal, interest or other charges.

Proponents: Supporters say that the bill is intended to deal with companies making so-called "pay-day" loans, which charge "brokerage" fees which may amount to over 300% on an annual basis. Proponents say such operations were conceived to evade usury laws, and even though a court would probably find the charges usurious, a legal action against the "brokers" would be time consuming and wouldn't help borrowers. These companies are not currently licensed by the state, so the only way to control this practice is case-by-case litigation. A survey in Kansas City indicated that borrowers dealing with these companies could have gone to finance companies and borrowed at the 26.6% legal interest rate rather than paying a rate in excess of 300% with the "brokerage" companies.

Testifying for the original bill were Representative Benson, Legal Aid of Kansas City, Missouri Consumer Finance Association and the Missouri Savings and Loan League.

Opponents: Those who oppose the bill say that they support the concept, but not the (original) bill. Holders of VISA cards can take the card to a non-issuing bank and get an emergency loan of \$50, for which a \$4 brokerage fee is charged. This bill (as originally drafted) would make such service charges illegal.

Testifying against the bill was James Spraddling, representing five bank holding companies.

HCS HB 1584 -- Relating to the Missouri Housing Development Commission

Sponsor: Piekarski

Committee Action: Reported from the Urban Affairs Committee on a 8-0 vote.

The substitute would authorize the Missouri Housing Development Commission (MHDC) to issue taxable bonds and notes and to make first or second mortgage loans to lending institutions for the construction, improvement or rehabilitation of residential property in areas designated by the MHDC. MHDC would be authorized to finance sale of rental housing in which a maximum of 20% of the units may be made available to persons other than those of low or moderate income.

MHDC would also be authorized to adopt a warranty program under which payments would be made out of the Housing Development Fund for claims "arising from defects which affect the structural soundness, use or livability" of housing constructed or improved with MHDC financing. The MHDC would be required to issue energy efficiency standards for residential construction, repair and rehabilitation. Such standards would be utilized in MHDC financed projects to the extent of MHDC directs.

Rules issued under the chapter governing the MHDC (chapter 215, RSMo) would expire two years after issuance, unless approved by the General Assembly and the governor. All rules and rule-making authority under the chapter would expire November 30, 1982.

Fiscal Note: No estimated cost, as the bond and loan programs would be completely self-supporting from fees generated by the loans. Home improvement program funds would come either from MHDC reserves or appropriations requested in the future.

Proponents: Supporters say that the bill would enable the MHDC to take advantage of federal interest subsidies and guar-

antees on the issuance of taxable bonds, and would assure a flow of capital into low and moderate income housing in Missouri.

Testifying for the bill was the Director of Missouri Housing Development Commission.

Opponents: No opposition was voiced to the committee.

HB 948 -- Port Authorities

Sponsors: Curls and Wheat

Committee Action: Reported from the Urban Affairs Committee on a 10-0 vote.

This bill would make a number of changes in the powers granted to port authorities. A state port fund would be created, to be funded by the state and allocated by the Department of Transportation to local port authorities for planning and administrative costs. Grants could be made directly to local port authorities by the state for specific capital improvement projects. Local port authorities would be required to assure that their plans comply with the state program.

Port authorities would be authorized to operate port facilities for a five-year period, after which public operation could be continued only with approval of the Transportation Commission. The authorities would also be authorized to prevent or remove hazardous structures or objects in harbor areas.

Terms of port authority boards of commissioners would be staggered. The statute would also be revised so that individuals with a financial interest in port-related areas would not be prohibited altogether from being a commissioner, but just from participating in board decisions in which he or she has a direct financial interest.

Fiscal Note: There would be no cost to the state as only local funds would be affected.

Proponents: Supporters say port authorities are crippled by the present bill. These changes are necessary to make the authorities viable and are crucial to the economy of southeastern Missouri. Allowing the authorities to run port facilities would make it possible to get the facilities developed in a situation where private enterprise is unwilling to take a loss in the development. The five-year lim-

itation is intended to avoid competition with private enterprise. Requiring local compliance with the state plan would prevent future conflicts.

Testifying for the bill were the Department of Transportation, Southeast Port Authority Chairman and Director, and Representative Downing.

Opponents: Those who oppose the bill say the provisions will not work in St. Louis because they try to discourage competition from coming in.

Testifying against the bill was Matt Abboud, speaking as a private citizen.

HB 1748 -- Nursing and Personal Services
Facilities Licensure

Sponsor: Goward

Committee Action: Reported from the Public Health and Safety Committee on a 9-1 vote, with five members voting present.

The bill redefines the facilities that provide nursing and personal services as: 1) Adult Service Centers; 2) Intermediate Care Facilities; 3) Residential Care Facilities; and 4) Skilled Nursing Facilities. The bill instructs the Division of Health to propose to the State Board of Health standards and regulations relating to these facilities. The proposed standards would vary among the various kinds of facilities, but would generally encompass: 1) construction of the facility; 2) essential facility equipment; 3) fire safety and sanitation conditions; 4) diet; 5) quality of patient care; 6) clinical and personnel records; and 7) records of patients' personal funds. The State Board of Health would be instructed to hold hearings regarding these regulations and proposed changes. Participation in federal Medicaid or Medicare programs is optional for each facility under this bill.

The bill further outlines provisions under which more than one of these facilities may exist in the same complex.

The bill also outlines methods of licensing the various facilities and the procedure to be used in applying for a license. The bill requires that no facility operate without a license. Licenses would be renewable annually, and a procedure for renewal is stated.

Inspection of the facility would be required upon receipt of a license application. Facilities would then be required to remain open for inspection at any reasonable time. The inspector would complete a written report. The bill goes on to enumerate conditions for revocation or nonrenewal of a license.

The Division of Health would be instructed

to appoint an advisory council to oversee the licensing and regulation of facilities. Duties of the council are outlined.

Finally, the bill concludes with a 14 point patient's bill of rights.

(Amendments added)

Fiscal Note: The fiscal note for this bill is not yet completed.

Proponents: Supporters say that the bill brings current language of the statute up to date and brings unlicensed facilities under the supervision of the Division of Health. The bill would also strengthen the hearing and review procedure as well as the advisory council.

Testifying for the bill were Representative O'Connor for Representative Goward, the Missouri Health Care Association and the Missouri Nursing Homes.

Opponents: There was no opposition voiced to the committee.

HB 1382, HCA 1 -- Definition of Adjusted Gross
Income

Sponsor: Marriott

Committee Action: Reported from the Revenue
and Economics Committee on a 14-1 vote.

This bill would exempt federal Civil Service annuities from the state income tax. This exemption would be accomplished by adding such annuities to the category of items which are deducted from federal adjusted gross income in order to derive Missouri adjusted gross income.

HCA 1 -- Would limit the exemption of a federal Civil Service annuity to an amount not to exceed \$7,500.

<u>Fiscal Note:</u>	Original Bill	As Amended
FY 1979-80	\$2,894,945	\$2,210,490
FY 1980-81	\$3,068,642	\$2,298,910

Proponents: Supporters say that this bill would grant equality under the tax laws to the retired federal Civil Service employee with other retirees from public retirement systems. Missouri is one of only eight states which still provide no exemption of federal annuities from state income tax. They say unfavorable tax treatment discourages federal retirees from living in Missouri. They say this bill would not apply to retired military personnel.

Testifying for the bill were John Hilderbrand, Kansas City, of the National Association of Retired Federal Employees; William Brewer, Kirkwood, of NARFE; Solomon James, St. Louis, NARFE; and Gene Bertel, Berkeley, NARFE.

Opponents: No opposition was voiced to the committee.

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Week of March 6, 1978

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*This addition contains amended or corrected material. Please take note of correction and destroy the original page.

Prepared by House Research Staff
Kenneth J. Rothman, Speaker

HCS HB 1655 -- Campaign Practices Act

Sponsor: O'Toole

Committee Action: Reported from the Judiciary Committee on a 10-0 vote, with ten members voting present.

This bill seeks to provide Missourians with a thorough disclosure of contributions and expenditures relating to candidates for public office, ballot measures and committees.

Attempted is the delicate balance of the publics' right to know with a most sensitive area -- the election process.

HCS HB 1665 requires:

- (1) Disclosure by all candidates for public office including political party committeemen and committee-women, and committees prior to (40 and 7 days) and after (30 days) an election, unless the exemption is taken under Chapter 129.210.7.
- (2) Disclosure of all contributions received and expenditures made. (129.210.1)
- (3) An annual report, due on January 31, only if a deficit or surplus exists in excess of one thousand dollars as seen on the post election report. (129.210.5)
- (4) A bank depository for all candidates receiving contributions in excess of five hundred dollars and all committees. (129.220.2)

HJR 72, HCA 1 -- Relating to Elections

Sponsor: Fowler

Committee Action: Reported from the Elections
Committee on a 7-1 vote.

This bill would submit to the electorate an amendment to section 18, article IV of the Missouri Constitution that would authorize the secretary of state to call for the canvass of votes from state-wide elections before the date which is now specified in the constitution (the second Tuesday in December).

Fiscal Note: A fiscal note of \$6,937 for
FY 1978-79 is attached to the bill.

Proponents: Supporters say that the date
presently specified delays counting of
votes for no good reason. The proposed
change would allow earlier certification
of elections and would expedite printing
of the official roster.
Testifying for the bill was the Secretary
of State.

Opponents: No opposition was voiced to the
committee.

HCS HJR 83 -- Homestead Exemptions

Sponsor: Russell (58)

Committee Action: Reported from the Revenue
and Economics Committee on a 16-0 vote.

This resolution would submit to the voters an amendment of section 6(a), article X, Constitution of Missouri. The proposed amendment would authorize the General Assembly to exempt \$2,000 of the assessed valuation of every dwelling from taxation by every political subdivision. The General Assembly could increase the amount of the exemption, but not decrease it. Any increase would have to be accompanied by a provision for restitution to the political subdivisions of revenues lost on account of the exemption.

The General Assembly could provide for tax credits or rebates for property taxes paid by persons over the age of 65 who own real property which they occupy as a homestead. Comparable financial relief could be provided persons over the age of 65 who occupy rental property as their home.

Fiscal Note: The cost to the state for the vote on this amendment is estimated at \$6,699.

Proponents: Supporters say homeowners will need tax relief if reassessment results in shifting some of the tax burden from public utilities to real estate. This relief should not go into effect until reassessment is completed. This constitutional amendment would allow the General Assembly to provide the necessary relief when needed.

Testifying for the bill were Representative Barnes and the Jackson County Assessor.

Opponents: No opposition was voiced to the committee.

HB 1610 -- Conflict of Interest Legislation

Sponsor: Gardner

Committee Action: Reported from the Judiciary Committee on a 9-1 vote.

This act seeks to cover, in a comprehensive manner, all employees and officials in government and to further regulate in specific narrow circumstances their sponsors and businesses with which the official is associated.

Conceptually, the bill provides for:

1) a series of prohibitions relating to: a) public officials; b) agency officials, members of their immediate household and businesses with which they are associated; c) members of the General Assembly and governing bodies and members of their immediate household and businesses with which they are associated; and d) persons serving in a judicial or quasi-judicial capacity. The prohibition, in broad terms, relates to the utilization of a public office or position held, elective or appointive, for personal gain. Coverage to the immediate household and businesses with which they are associated is sought where an attempt might be made to circumvent the prohibitions through a conduit technique. 2) annual disclosure by certain appointed officials, pre-election disclosure for certain candidates to elective offices: disclosure of specifications in such a way as to limit the disclosure to those areas of jurisdiction where the official or candidate might reasonably be said to have control and possible enrichment. This limited disclosure is an effort to stay within the recent Missouri Supreme Court case and the cited California court cases relating to the right of privacy.

The bill has a commission with civil enforcement powers; an independent right of prosecution in the attorney general; and criminal sanction based on the violation, the most stringent of which, a felony, is for the knowing omission or falsification of information requested to be filed in a financial

disclosure statement.

Finally, the bill has an emergency clause.

Proponents: Supporters say that corrupt and unethical behavior by relatively few public officials has undermined the faith and trust of the governed. Public office is a public trust -- any effort to realize personal gain through public office is a violation of that trust.

Further, because of the part-time nature of most elected and appointed positions in state and local government, it is felt inevitable that officials will have private interests and sources of income that conflict with their public duties. The first step toward open and accountable government is for officials to make these potential conflicts known to the public. This will give citizens information on which to judge whether their representatives act in the public interest rather than for private gain.

Consequently, a strong conflict of interest law and its vigorous enforcement is necessary to dispel common suspicions of cronyism and corruption in government. Testifying for the bill were James C. Kirkpatrick, Secretary of State; Joseph Driskill, Common Cause; and Gary Markenson, Missouri Municipal League.

Opponents: No one spoke in opposition to the bill, but concern was expressed that "a conflict of interest measure should require disclosure only from those with potential conflicts of interest", but at the same time, be specific as to those persons required to file disclosures.

Sponsor: Baker

- (Committee Action: Reported from the Atomic Energy and Industrial Development Committee on a 7-1 vote, with one member voting present.

- (This bill would require the issuance of a certificate of approval by the Public Service Commission for the construction of any major energy facility, i.e., a plant generating 49 or more megawatts, an electric transmission line carrying 161 or more kilovolts and extending five or more miles or 345 or more kilovolts and extending one or more miles, or gas transmission line which supports pressures in excess of 300 pounds per square inch, built by any private firm, electric cooperative or joint municipal utility commission.

- (Application for such a certificate must include environmental and economic impact statements, evaluation of the need for the facility and examination of alternatives in providing the additional energy and in site location. A hearing would be held for each application for a new site and for any modification of an existing site. The Public Service Commission would be limited to six months to issue a decision on smaller plants (49 to 100 megawatts) and one year for all other applications. Any certificate granted will be forfeited if construction is not begun within three years of the date of the order. A one year extension may be granted. A fee of \$1 for each \$4000 of invested money, with a maximum of \$100,000, will be assessed the applicant and placed in an "Energy Facility Siting Revolving Fund" which would be available to the Public Service Commission and other agencies to administer the Act.

- (Every utility that operates facilities covered by the Act must submit to the Public Service Commission a ten year forecast of loads and resources annually. The Public Service Commission must also prepare independently an annual report of the ten year energy needs of the state.

- (Violation of the act will be a misdemeanor and carries a fine of up to \$5000. The bill also provides for judicial review for any party aggrieved by a Public Service Commission decision.

Fiscal Note: The attached fiscal note shows a cost of \$44,393 in FY 1978-79 and \$160,775 in FY 1979-80, assuming that there would be four to six sitings of transmission lines per year and one new major power plant siting every two years. The estimated income from applications fees is \$75,750 per year.

Proponents: Supporters say that the state needs to take a hand in determining its own energy needs. The bill provides for public input, for investigating the environmental impact and alternatives available for the construction of each new facility. Once a certificate is granted, this should prevent delays in construction which have often plagued new facilities.

Testifying for the bill were Representative Barry, Department of Natural Resources, Public Service Commission, Union Electric, and Friends of the Earth.

Opponents: Those who oppose the bill say that the rural electric cooperatives are already subject to federal scrutiny on all the criteria provided in this bill. The cooperatives presently are not regulated by the Public Service Commission and this bill would change that position considerably.

Testifying against the bill was the Missouri Electric Cooperatives.

HCS HB 1168 and 1216 -- Solar Energy Rights

Sponsor: Baker

Committee Action: Reported from the Atomic Energy and Industrial Development Committee on a 8-0 vote, with one member voting present.

This bill recognizes and protects solar energy rights and provides a statutory basis for solar easements. Solar energy is established as a natural resource, and its utilization is a property right. Solar easements will be subject to the same requirements as other easements. The bill specifies the minimum inclusions for any instrument creating a solar easement, e.g. the vertical and horizontal angles at which the easement extends over the property.

Proponents: Supporters say that this bill is a foundation for other solar energy legislation. It is flexible in that it emphasizes voluntary agreements between parties and allows parties to decide on terms. The bill gives a legal assurance to those making an investment in solar devices.

Testifying for the bill were Representatives Russell (6) and Bruckerhoff, the Department of Natural Resources and Missouri Power and Light Company.

Opponents: No opposition was voiced, although the question was raised as to the need for a state statute as there is nothing now to prevent persons from entering into such easements.

HB 1703, HCA 1 -- Radiation Protection Act

Sponsor: Russell (6), et al

Committee Action: Reported from the Atomic Energy and Industrial Development Committee on a 8-0 vote, with one member voting present.

The purpose of this bill is to strengthen the state's control of radiation sources and to authorize a cost-benefit study for Missouri to become an "agreement" state. "Agreement" states assume the responsibility for regulation of by-product (reactor-produced) materials which are presently regulated by the Nuclear Regulatory Commission. The present state regulatory authority includes naturally-occurring and accelerator-produced radioactive materials and X-ray equipment.

The bill would place the authority for radiation protection in the Division of Health and would require the division to develop comprehensive policies and programs for reduction of radiation hazards and for protection from radiation sources. It gives the division special powers in any radiological emergency and delineates a bonding procedure for anyone using or handling radioactive materials, should the state have to decontaminate, dispose or take custody of these materials.

The bill also directs the division to develop a product safety program for nonionizing radiation products, e.g. microwave ovens, lasers, and masers.

HCA 1: simply clarifies some of the definitions and regulations.

Fiscal Note: The attached fiscal note shows a cost of \$30,188 in FY 1978-79 and a net gain of \$152,876 in FY 1979-80. The estimated income from license fees is \$250,000 per year. The cost in the first year is due primarily to setting up a surveillance laboratory.

Proponents: Supporters say that the state must strengthen its control and increase its

knowledge of radiation sources in the state,
and further that the pros and cons of Missouri
becoming an "agreement" state should be
investigated.

Testifying for the bill was Representative
Russell.

Opponents: There was no opposition voiced to
the committee.

(HB 1732 -- Creation of Sports, Recreational and
Arts Facilities

Sponsors: Schlef, et al

Committee Action: Reported from the Governmental
Organizations Committee on a 8-3 vote.

(This bill creates two alternative methods by
which a charter county of the first class, not
containing a city of over 400,000 population,
can acquire, construct and develop sports,
recreational and arts facilities with any appro-
priate ancillary facilities. These alternatives
are: (1) the county can develop the facilities
on its own or (2) it can create a commission to
develop the facilities. Bonds can be issued
under either method, and fees can be charged for
the use of any facility.

Proponents: Supporters say this bill would give
St. Louis County the ability to issue revenue
bonds to finance such things as field houses
or art galleries. The bonds can be paid off
by use or restaurant taxes.

(Testifying for the bill was Representative
Schlef.

Opponents: There was no opposition voiced to
the bill in committee.

HB 1158 -- Registered Accountants

Sponsor: Smith (157)

Committee Action: Reported from the Governmental Organizations Committee on a 9-1 vote.

This bill provides for the licensing of registered accountants. A registered accountant is one who is not a certified public accountant or a public accountant. To be a registered accountant, a person must be a resident of the state, have a business in the state or be employed in the state and meet the license experience requirements. For a person not meeting the residence and experience requirements, a person can be licensed as a registered accountant by passing a written examination.

Also, the bill creates a registered accountant advisory committee.

Fiscal Note: A fiscal note showing a net increase to general revenue of \$3,202 for FY 1978-79 and \$4,928 for FY 1979-80 is attached to the bill.

Proponents: Supporters say that there is, at present, strict regulations of certified public accountants, but there is no regulation of accountants below the status of CPA. This bill will establish control over the quality of work done by these accountants and open federal jobs to these individuals because to perform such work, they need a state license. The creation of registered accountants will tell the public who is competent to perform the work but will not allow the registered accountant to perform any of the work now required to be performed by a certified public accountant. Testifying for the bill were Representative Smith (157); Clyde Rohers for himself and the Independent Accountant Society of

Missouri and; Murray Stone, General Council
for the Independent Accountant Society of
Missouri.

Opponents: Those who oppose the bill say
that there has been no showing of public
benefit or need for this bill. The over-
lapping of the term "accountant" will only
cause confusion in the public mind.
Testifying against the bill was Harry
Otto, CPA.

HB 1119 -- Refund of License Taxes Paid on
Purchase of Motor Fuel

Sponsor: Griffin

Committee Action: Reported from the Revenue
and Economics Committee on a 16-1 vote,
with two members voting present.

This bill would create the "aviation trust fund". All allowable refunds of the motor vehicle fuel tax, for fuel used in aircraft engines, which are not claimed would go into the aviation trust fund. The aviation trust fund would be exempt from the requirements to transfer funds to the general revenue fund of the state. The Department of Transportation would administer the fund. The fund could be used to finance:

- 1) hangar construction;
- 2) the purchase of equipment to ensure the safe use of airports;
- 3) the repair of airport runways and taxiways;
- 4) airport maintenance costs; and
- 5) the proper marking of airport runways.

Fiscal Note:

	<u>FY '78-'79</u>	<u>FY '79-'80</u>
Income: Aviation Trust Fund	\$125,780	\$143,750
Decrease: Hwy. Dept. Fund	119,595	137,182
Net Increase in State Funds	\$ 6,185	\$ 16,568

Proponents: Supporters say the unclaimed refunds for aircraft fuel currently go to the state highway department fund. They say many airport improvements are neglected because of lack of funds. This trust fund would be used mostly as an emergency fund to make necessary repairs. A similar measure was enacted last year for motor boats.

Testifying for the bill were Representative Griffin, the Division of Aviation, and the Missouri Pilots Association.

Opponents: No opposition was voiced to the committee.

HB 1556 -- Duty Free Planning Periods

(Sponsor: Burke

Committee Action: Reported from the Education Committee on a 14-3 vote.

(This bill provides for at least one-sixth of the Missouri public school teacher's day to be devoted to duty free time for planning purposes.

Proponents: Supporters say that this procedure is mandatory for a triple "A" rating. On a more practical level, however, it was stressed that a teacher needs at least one free period each day just to collect his or her thoughts and plan for the next classes. Relating to school violence, it was stated that planning time would enable teachers to control classrooms more effectively because of better planned classroom presentations. Testifying for the bill was the Missouri National Educational Association.

(Opponents: There was no opposition to the bill voiced in the committee.

-#B 1416 -- Student Curators and Regents

Sponsor: Reisch

Committee Action: Reported from the Education Committee on a 13-4 vote.

This bill provides for a student member of equal status to the other board members to be appointed to the board of curators or regents, as the case may be, of Missouri University, the state colleges or universities, the Missouri southern state college and the Jasper county junior college district, Missouri western state college and junior college district, and Lincoln University. It further establishes eligibility requirements and length of terms for the respective board members.

Proponents: Supporters say that there should be a student curator or regent on the respective boards because the student has a unique knowledge or insight of which programs are working and which ones aren't. It is a consensus of opinion that this method would provide a two way conduit that would facilitate greater understanding on behalf of curators and students alike.

Testifying for the bill were the Associated Students of the University of Missouri, University of Missouri Student Body, Student Council-Rolla Campus, Northeast Missouri State University Student Senate, Mark Seaman-- Southwest Missouri State University student, and Representative Mead.

Opponents: No opposition was presented to the bill in committee.

HB 1385 -- Teacher Contracts and Probationary Teachers

Sponsor: Muckler

Committee Action: Reported from the Education Committee on a 13-4 vote.

This bill, as amended, delineates the contractual obligations between a teacher and the school board and in doing so, establishes a teacher probationary period of five years. Pursuant to this end, it sets forth the procedures whereby a teacher may be demoted or terminated from the service of a school district. An effective date of July 1, 1979 is provided.

Proponents: Supporters say this bill attempts to extend equity to probationary teachers.

Presently, probationary teachers are on a non-renewing status. This means they can be terminated from their positions without notice or reason. The provisions of the bill would require the probationary teacher to be notified of termination and provides reasons why such action was taken against them.

Testifying for the bill were the Missouri National Education Association and Missouri State Teachers Association.

Opponents: No opposition to the bill was voiced in the committee.

HB 1506 -- Licensing of Opticians

Sponsors: Rollins and Mathewson

Committee Action: Reported from the Public Health and Safety Committee on a 6-4 vote, with five members voting present.

This bill authorizes the board of healing arts to regulate and license ophthalmic dispensers or opticians, i.e., persons who fill prescriptions for eyeglasses. Applicants must be 18 years old, be a resident of the state and pass a written examination for licensure. The license fee will be \$125 with renewal every three years. A provision is made for apprentices working for a license. The bill provides a grandfather clause for those presently engaged in ophthalmic dispensing.

This bill also established the Advisory Council of Ophthalmic Dispensers to assist the board of healing arts. The membership term and compensation of the Council is specified.

Fiscal Note: The attached fiscal note shows a net gain of \$32,934 for FY 1978-79 and a net cost of \$13,701 for FY 1979-80. The fiscal estimates assume approximately 350 eligible licensees the first year and an annual growth rate of 10%.

Proponents: Supporters say that opticians are similar to pharmacists in that they fill prescriptions. There are no standards today. This bill would establish minimum standards for expertise and education.

Testifying for the bill was Representative Rollins.

Opponents: There was no opposition voiced to the committee.

HB 1727 -- Membership of the Nursing Home
Administrators Board

Sponsor: Banton, et al

Committee Action: Reported from the Public
Health and Safety Committee on a 9-0
vote, with six members voting present.

This bill would change the membership of the Board of Nursing Home Administrators from eight to fourteen, with the new members being selected from fields other than those presently specified. It also provides that the present members of the board become members of the new board and serve their terms until expiration.

Fiscal Note: The attached fiscal note shows a cost of \$8,145 in FY 1978-79 and \$9,417 in FY 1979-80.

Proponents: Supporters say that this bill would provide for consumer members on the board and is consistent with the current trend to place such membership on review boards.
Testifying for the bill was Representative Banton.

Opponents: There was no opposition voiced to the committee.

-HB 1044 -- Family Practice Residencies

Sponsors: Dunning, et al

Committee Action: Reported from the Public Health and Safety Committee on a 10-2 vote, with three members voting present.

This bill would allow the State Board of Health to establish and administer state-supported residency programs in family practice for physicians. The programs would be conducted at or in connection with existing medical and osteopathic institutions and would meet all residency requirements. The board is particularly charged to provide these programs in order to serve the medical care needs of rural areas in Missouri.

Fiscal Note: The attached fiscal note shows a cost of \$193,794 in FY 1978-79 and \$338,850 in FY 1979-80. Grants of \$18,000 per year would be provided each resident in the program. In FY 1978-79, only five residents would be supported, in FY 1979-80, 17 residents and in FY 1980-81, 35 residents.

Proponents: Supporters say that family physicians are the ones who are attracted to rural areas to practice. Most physicians practice in the state where they received their residency training. By increasing the number of family practice residencies in Missouri, the chances for increasing the number of family practitioners is enhanced. At present, 50% of the graduating medical students leave the state to do post-graduate training. There are presently five family practice residency programs in Missouri. A recent report on Physician Manpower for Rural Missouri recommends that the state-supported residency programs produce 60 family physicians yearly.

Testifying for the bill were Representative Dunning; Missouri Academy of Family Physicians; Missouri State Medical Association; Missouri Academy of Family Practice

of Medicine; Dr. Donald Potts, a family physician; and William Ayres, Mayor of Fayette.

Opponents: Although there was no opposition voiced to the committee, questions were raised as to whether the lack of physicians in rural areas was not more a problem of maldistribution than of shortage and as to what assurances this program gave that physicians would indeed practice in rural areas.

HCS HB 1774 -- Licensing and Rights of Nursing
Home Patients

(Sponsor: O'Connor

Committee Action: Reported from the Public Health and Safety Committee on an 11-0 vote, with four members voting present.

(The purpose of this bill is to prohibit automatic renewal of nursing home licenses, to specify a bill of rights for nursing home patients and to provide a grievance protocol for any complaints against nursing homes.

The bill would provide that nursing home licenses be issued for one year only. Upon expiration, a new application must be submitted.

The patient bill of rights of this bill includes the right to communicate with any person of choice, the right to handle one's own financial affairs, the right to be informed of one's medical condition, physical and chemical restraints.

(The grievance procedure for any violation of rights requires a named "designee" in each nursing home who will hear complaints and a grievance committee to whom the complainant may appeal. If the complainant is not satisfied with the committee action, he may appeal to the Division of Health.

(The bill also establishes the "State Nursing Home Ombudsman Committee". This committee will in turn establish regional ombudsman committees in each health district throughout the state. The state committee will serve as an appellate body for the regional committees and will also coordinate all state-wide efforts to improve nursing home care. It will also prepare an annual report on the status of nursing home care to the legislative and executive officers of the state. The regional ombudsman committee will serve as a third party mechanism for protecting the rights of nursing home residents, make investigations of complaints, hold hearings and issue subpoenas. If a complaint is referred to the state committee, the state committee may recommend, if the nursing home fails to take the appropriate action, that its Medicaid payments and license be suspended and, finally, recommend civil action in the courts. Any aggrieved person of Division of Health ac-

tions may appeal to the Administrative Hearing Commission. All matters of both the state and regional committees regarding abuse or denial of rights will be open to the public.

Fiscal Note: The attached fiscal note shows a cost of \$53,450 in FY 1978-79 and \$108,857 in FY 1979-80. It is assumed that approximately 1600 persons would file complaints and approximately 400 would need to be investigated.

Proponents: Supporters say that this bill would stop automatic renewal of nursing home licenses. Some of these homes are in deplorable condition and are still licensed. The Ombudsman program would provide a mechanism for complaints to be heard before a committee of concerned professionals and citizens and would require an annual report on nursing home status in the state to state officials.

Testifying for the bill were Representative Banton and Charles Gillilan speaking for himself.

Opponents: There was no opposition voiced to the committee.

HB 1709 -- Cave Protection Act of 1978

Sponsor: Piekarski

Committee Action: Reported from the State
Parks, Recreation and Natural Resources
Committee on a 13-0 vote.

This bill would protect caves and caverns and the wildlife inhabiting them from disfigurement or destruction by imposing the penalties of a Class A misdemeanor. It also protects subterranean water sources from pollution. Mining operations are exempted.

In addition, the bill limits the liability of cave owners for injuries sustained by persons exploring or visiting a cave. The bill becomes effective January 1, 1979.

Fiscal Note: No fiscal note is required for the bill in its present form.

Proponents: Supporters say that the bill would supply needed protections for Missouri's caves and open them for exploration and recreation by protecting owners from injury liability.

Testifying for the bill were the Department of Natural Resources, the Division of Parks, Department of Conservation, Conservation Federation and Missouri Speleological Society.

Opponents: No opposition was voiced to the committee.

HCS, SCS SB 839 -- Campaign Practices Act

Sponsor: Schneider

Committee Action: Reported from the Judiciary Committee on a 8-5 vote, with one member voting present.

HCS HB 1655 was substituted for SCS SB 839.
See summary provided on HCS HB 1655.

Proponents: Supporters say:

Strong Points in Both SB 839 and HB 1655:

Both say no contribution of \$50 or more in cash.

Both provide for an exemption -- \$500 in House Bill and \$1,000 in Senate Bill.

Both cover all public offices including committeeman and committeewoman.

Both allow prosecution by the Attorney General if the local prosecutor doesn't act.

SB 839 clearly allows any citizen to file a complaint and the commission to audit records and develop facts to submit to the prosecutor. HB 1655 seems a bit vague as to circumstances in which the Attorney General's office becomes involved.

Both bills cover ballot measures, but the House Bill does not require report of money spent to get the measure on the ballot until 40 days before the election. The Senate Bill's requirement to make that disclosure 15 days after the measure is qualified for the ballot is an important disclosure.

Strengths of SB 839:

Incumbent elected officials must disclose sources and uses of money to defray office expenses or in lobbying to obtain such posts as Pro-Tem, Speaker, Majority Leader, etc.

Explicit definition of contribution -- the following would not be covered by the general "contribution" definition in HB 1655:

guaranteeing a loan

paying compensation for a campaign worker

purchase of goods and services such as tickets to a fund raiser or purchase of advertising in a campaign book donations to incumbents to pay political expenses discounts, rebates, free office space, etc.

The Senate Bill includes certain record keeping requirements that are essential to guaranteeing disclosure and integrity of any records, such as:

- maintenance of a depository and all contributions placed in that depository
- disbursements by check other than some petty cash exception
- requiring all money to pass through the treasurer and the depository
- requiring reports to show aggregate contributions from any one source
- requiring preservation of records

PAC's must disclose identity of their sponsors and report all expenditures made by that parent entity to administer the funds and raise contributions to the PAC's.

Late contributions and loans of \$500 or more received in the last days before the election to be reported within 48 hours.
Weaknesses in SB 839:

An emergency clause should be adopted.

Prohibition on direct spending by corporations and unions should be removed.

The method of selecting appointees to the commission should be changed. All members should not be those nominated by the two major parties. Two or three members so selected would be adequate.

The exemption of \$500 in the House Bill is preferable to the \$1,000 in the Senate Bill.

Although there should be some threshold for the listing of contributors, a threshold of \$100 or more would be preferable than the "more than \$100" as presently provided in the Senate Bill.

Testifying for the bill were Senator Schneider, Metropolitan New Democratic Coalition and Mr. Marvin Madison as a

citizen.

Opponents: No one spoke in opposition to the bill, but Senator Schneider did point out weaknesses in SCS SB 839, as well as HCS HB 1655.

SB 497, HCA 1 -- Insurance Benefits for Certain
State Employees, Officials and
Judges

Sponsors: Merrell and Wiggins

Committee Action: Reported from the Governmental
Organizations Committee on a 10-0 vote.

This bill would require the state to provide funds to fully pay for the hospital, surgical, medical and life insurance benefits received by each state employee employed by a department of the state and earning a salary or wage in that position, by each member of the judicial retirement system and by each legislator and official holding an elective state office.

The existing statute is amended to include "members of the public school retirement system who are employed by a state agency other than an institute of higher learning" within the meaning of the term "employee".

The state highway commission can elect to provide, from highway funds, the additional amounts needed to fully provide for all hospital, surgical, medical and life insurance benefits for members of the state highway employee's and highway patrol retirement system.

Any state employee who is a member of any of the retirement plans can include his or her spouse or unemancipated children under the age of 21 within the retirement plan through payroll withholdings.

The bill also provides that "hospital, surgical and medical expenses shall include expenses for comparable benefits for employees who rely solely on spiritual means through prayer for healing".

The effective date of the bill is July 1, 1978 and in order to commence the benefits of the act at the beginning of the next fiscal year, the bill is deemed to be an emergency measure and will have full force and effect on July 1, 1978.

Fiscal Note: A fiscal note showing a decrease of state funds of \$4,605,104 for FY 1978-79 and \$5,674,621 for FY 1979-80 is attached to the bill.

Proponents: Supporters say this bill is an incentive measure to retain qualified employees in state government since more corporations are now providing, at no cost, their employees total medical insurance. At present the state is paying \$12.00 of the total insurance cost. This bill would require the state to pick up the \$11.65 paid by state employees each month for medical insurance.

Testifying for the bill were Senator Merrell, representatives from the highway department, the parole board and Bob Anderson were recognized by the committee as being in support of the bill.

Opponents: There was no opposition voiced to the committee.

HCS SB 727 -- Meramec Dam

Sponsor: Vossmeier

Committee Action: Reported from the Governmental Review Committee on a 7-3 vote.

This bill provides for an election to be held on August 8, 1978 to determine the proposition: "Shall the Meramec Dam and Meramec Park Lake be constructed?"

The preference election will be held in the counties of Crawford, Washington, Franklin, Jefferson, St. Louis, Iron, Phelps, Dent, St. Francois, Maries, Gasconade, St. Charles and the City of St. Louis.

The bill differs from SB 727 by adding the counties of Maries, Gasconade and St. Charles, and changing the language of the proposition from "shall be completed" to "shall be constructed".

Fiscal Note: #3809-W: There is no cost to the State of Missouri.

Proponents: Supporters say that a non-binding referendum will persuade the Missouri Congressional delegation to support restoration of funding for the dam in the federal budget. Testifying for the bill were Mayor Poelker; Senator Dinger; Representatives Bockenkamp, Nilges; and Matt Aboud.

Opponents: Those who oppose the bill say the language in SB 727 is patently unfair, that an alternative should be placed on the ballot as to the acquired land, that the election should be statewide and not regional. Testifying against the bill were Jerry Suggarman, Meramec Heritage Riverways; Mrs. Warren Lammert; Anne Lamont; William Alexander, Ozark Canoe Club; Lynn Hopkins, Missourians Against the Dam.

SB 653 -- Superintendents of Mental Health
Facilities

Sponsors: Welliver and Schneider

Committee Action: Reported from the State
Institutions and Property Committee on a
5-0 vote.

The bill allows the Department of Mental Health more flexibility in hiring superintendents of its major facilities. At present, only physicians with mental health care experience can be superintendents. The bill would allow any of the following to be hired as superintendents: 1) persons with a masters degree in hospital administration or a major in mental health administration; and 2) persons with an M.D. or D.O. degree with demonstrated ability or training in administration of mental health administration. The bill further requires that major facilities have a chief of medical staff.

Proponents: Supporters say that it is hard to recruit psychiatrists to be administrators. The department should have the option of hiring people with primarily administrative training and skills.

Testifying for the bill were the State Mental Health Association and the State Advisory Council on Psychiatric Services.

Opponents: No opposition was voiced to the committee.

Senate Revision Bills -- 738, 739, 740, 742,
743, 744, 745, 746, 748, 749

Sponsor: Cox

Committee Action: Reported from the Judiciary
Committee on a 9-0 vote.

These bills, as revision bills, operate
only to correct errors and do not make
substantive or policy changes over previous-
ly wasted legislation.

Testifying for the bills was Senator Cox.

HOUSE PERFECTION CALENDAR

Week of March 13, 1978

(Corrected Addition)

Please discard the edition
you received Monday.

HOUSE PERFECTION CALENDAR

Week of March 13, 1978

HOUSE JOINT RESOLUTIONS

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SRB 740
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SRE 743
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SRB 745
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SRB 748
SRB 749
(All on page 362.) (Held Over)

Prepared by House Research Staff
Kenneth J. Rothman, Speaker

HB 1682 -- Relating to the Division of Inter-
state Income

Sponsor: Rojas

Committee Action: Reported from the Revenue
and Economics Committee on a 9-5 vote,
with one member voting present.

This bill would allow any corporation to determine its Missouri taxable income according to the allocation and apportionment methods of the Multi-state Tax Compact. A corporation which is in more than two states, subject to an income tax and is also subject to a tax based on property, payroll or sales in more than one state, would be required to compute its Missouri taxable income according to the allocation and apportionate methods of the Multi-state Tax Compact. The Missouri consolidated taxable income of an affiliated group of corporations containing a corporation which is required to follow these allocation and apportionment methods would be determined by these methods also. This bill would be effective January 1, 1979.

Proponents: Supporters say that this bill would require national corporations to report taxable income to Missouri on the basis of three factor apportionment as they do to most other states. They believe Missouri and Iowa are the only states with a single sale factor approach to taxation. They say this bill would improve tax equity and fairness.

Testifying for the bill were Terry Surface, Department of Revenue; and William Campbell, Office of the General Counsel of the Department of Revenue.

Opponents: No opposition was voiced to the committee.

HB 1683 -- Relating to the Federal Income Tax
Deduction

Sponsor: Rojas

Committee Action: Reported from the Revenue
and Economics Committee on a 9-5 vote,
with one member voting present.

This bill would remove the federal income tax
liability deduction for corporations and
affiliated groups of corporations in computing
their amount of state income tax due. This
bill would be effective January 1, 1979.

<u>Fiscal Note:</u>	FY 1978-79	FY 1979-80
	(6 months)	
Increase --	\$37,738,349	\$70,607,235
General Revenue Fund		

Proponents: Supporters say that Missouri is
one of six states still allowing a deduction
like this for corporations. They say large
corporations benefit more than small corpora-
tions from this deduction. They say this
bill would increase tax revenue for the state.
Testifying for the bill were William Camp-
bell and Terry Surface of the Department of
Revenue.

Opponents: No opposition was voiced to the
committee.

HB 1559 -- Shooting in Certain Places

Sponsor: Cairns

Committee Action: Reported from the Judiciary Committee on a 7-1 vote, with one member voting present.

This bill would expand the present statute relating to the willful and malicious shooting in specified places to include schools and other public buildings. Further, the bill would strengthen the penalty provision by making the willful and malicious shooting provision a class C felony.

Proponents: Supporters say that the danger is clear, sufficient and present. Consequently, this extension is necessary to introduce a deterrent -- to better address a growing problem.

Testifying for the bill was Representative Steinmetz (57).

Opponents: No opposition was voiced to the committee.

HB 1145 --- Liquor Control-Power of Arrest

Sponsor. Staples

Committee Action: Reported from the Judiciary
Committee on a 10-2 vote.

This bill would remove the present limitation on the number of special agents in the Division of Liquor Control that have the power of arrest. The present limitation or number of said agents is six. The effect of this bill would be to increase this number of special agents with arrest powers to a maximum number of 60, if appointment is made.

Proponents: Supporters say that the power of arrest is necessitated due to the practical demands of the job.
Testifying for the bill were the Division of Liquor Control and the Missouri Highway Patrol.

Opponents: No one spoke in opposition to the bill, but concern was expressed over the concurrent right to carry a firearm by the special agents.

HB 1705 -- Speed Limit Bill

Sponsor: Russell (6)

Committee Action: Reported from the Judiciary Committee on a 8-3 vote, with one member voting present.

This bill would waive the assessment of points for vehicles using fuel other than a fuel containing petroleum for the production of power when the points would be assessed for the violation of the 55 mile per hour statute. Special license plates would be used to differentiate these vehicles from petroleum burning vehicles.

Proponents: Supporters say that the bill would encourage the search for alternative fuel sources.

Testifying for the bill was Representative Russell (6).

Opponents: While no one spoke in opposition to the bill, concern was expressed as to the bill's impact on highway safety.

HB 1723 -- Liability Due to Damages Caused by
Minors

Sponsor: Burke

Committee Action: Reported from the Judiciary
Committee on a 12-0 vote.

This bill would extend the maximum amount of liability for a parent or guardian incurred due to the willful acts of an unemancipated minor from the present figure of \$300 to the proposed \$1,500.

Proponents: Supporters say this bill is necessary to increase the limit of liability due to inflationary factors. Other sections of the bill were addressed in testimony, but those sections were removed in an executive hearing.

Testifying for the bill was the Missouri Department of Education.

Opponents. No one spoke in opposition to the bill, but the alternative to payment for damages, the "work" provision, was removed with the feeling that this power is presently within the judges' discretion, and the courts should not be given a supervisory role in the "work" process as may be implied by this bill.

SE 954 -- Public School "Inclement Weather"
Days

Sponsor: Gannon

Committee Action: Reported from the Education Committee on a 19-4 vote, with three members voting present.

This bill, as amended, would provide that school districts need make up no more than one half of the school days lost because of inclement weather during the 1977-78 school year. An emergency clause and expiration date are also included.

Proponents: Supporters say that because of this year's severe winter, an unusually high number of days of school have been canceled. To receive full entitlement to state aid, which is essential to all school districts, there must be at least 174 days of school. Meeting this requirement will mean that many schools will have to continue two or three weeks beyond schedule because of the large number of days missed. Unless released from part of this obligation, many teachers and students will be prohibited from entering summer school because of schedule conflicts.
Testifying for the bill was the Cole R-V School District.

Opponents: No opposition to the bill was raised in the committee, but a great deal of concern was shown to the issue of precedence. If the bill is passed, it will make two years in a row that some measure has been taken to release the school districts from their mandatory school days. The concern is that school administrators will begin to expect or anticipate such relief, and this clearly is not the intent of the legislation.

SB 893 -- Convey Certain Land to Missouri Edison
Company

Sponsor: Frappier

State Institutions and Property Committee

Summary will be provided in an upcoming edition.

SB 762 -- The Filing of an Anti-Trust Affidavit
by Professional Corporations

Sponsors: Manford and Wiggins
Committee Action: Reported from the Civil and
Criminal Justice Committee on a 11-0 vote.

This bill requires a professional corporation
to file a certificate in compliance with the
chapter rather than with the section.

The bill would eliminate the requirement in
section 356.190, RSMo, for the filing of an anti-trust
affidavit.

Proponents: Supporters say this is a clean-up
bill. The requirement to file an anti-trust
affidavit has been eliminated from the cor-
poration statute (RSMo chapter 351). This
bill brings section 356.190 into conformity
with actual practice.

Testifying for the bill were Senator Manford and
the Secretary of State's Office.

Opponents: No opposition was voiced to the
committee.

SB 755 -- Secretary of State: Fees Charged

Sponsor: Manford

Committee Action: Reported from the Fees,
Salaries and Retirement Committee on a
10-0 vote, with one member voting present.

The bill would institute a number of changes
in existing statutes, and enact some new statutes,
relating to the fees collected for services per-
formed by the Secretary of State:

1) Institutes new fees for Secretary of State's
services:

issuing commission to notary public	\$10.00
issuing all other commissions	\$ 5.00
countersigning and sealing official certificates	\$ 3.00
all other certificates	\$ 2.50
copying papers 8½ x 14" or smaller	\$.50
duplicating microfilm	\$ 5.00/roll
certifying copies of records, docu- ments, etc.	\$ 1.50
causing service of process to be made	\$ 5.00

2) Authorizes the Director of Revenue, with the
approval of the Secretary of State, to make copies
of public records filed in the state archives
available at the expense of anyone requesting
them.

3) Institutes a \$3 fee for the issuance of a
certificate of incorporation.

4) Eliminates a \$5 fee for the reservation with
the Secretary of State of a corporate name.

5) Increases the fee for certification of an
abstract of a corporate record from the current
\$1.50 to \$3.

6) Institutes new fees for Secretary of State's
services:

filing application for reservation of corporate name	\$10.00
filing amendments to articles of incorporation	\$15.00
filing articles of merger or consolidation	\$25.00
filing articles of dissolution	\$15.00
filing of revocation of articles of dissolution	\$10.00
filing restated articles of incorporation	\$15.00
filing statement of reduction of stated capital	\$10.00
filing certificate of redemption or designation	\$10.00
filing application for withdrawal of foreign corporation	\$10.00
filing statement of change of registering office address	\$ 3.00
certified copy of corporate record	\$.15/page
furnishing certificate of corporate existence	\$ 3.00
furnishing other certificates	\$10.00
filing evidence of merger by foreign corporation	\$10.00
filing evidence of dissolution by foreign corporation	\$ 5.00
preclearance review of any filing	\$25.00

7) Establishment of fees for the registration of certain corporations.

8) Establishment of fees and procedure for filing an article of incorporation amendment.

9) Establishes a number of miscellaneous increases in services provided by the Secretary of State.

Fiscal Note: Additional revenue:

FY 1978-79

FY 1979-80

\$123,500

\$129,320

Proponents: Supporters say that the existing fee schedules for the Secretary of State are out-

dated -- some dating to 1929. This is merely an attempt to update those fee schedules.

Testifying for the bill were Senator Manford and Mr. Jack Pletz (Deputy Secretary of State) who read a prepared statement from the Secretary of State.

Opponents: No opposition was voiced to the committee.

SB 848 -- Greene County Chief Magistrate Clerk

Sponsor: Bradshaw

Committee Action: Reported from the Fees,
Salaries and Retirement Committee on a 12-0
vote, with one member voting present.

The bill would abolish the office of chief clerk of the magistrate court in Green County. The duties of the chief clerk would be assumed by the circuit clerk. His annual compensation would be \$22,000 (\$12,000 paid by the state, \$10,000 paid by the county).

Fiscal Note: No additional state funds would be required. (Duties and salary of the magistrate clerk would transfer to the circuit clerk.)

Proponents: Supporters say that Greene County is the only county in the state with an elected magistrate clerk. It is maintained that such duties would be better performed by the circuit clerk.

Testifying for the bill was Senator Bradshaw.

Opponents: No opposition was voiced to the committee.

HOUSE PERFECTION CALENDAR

Week of March 20, 1978

HOUSE JOINT RESOLUTIONS

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INFORMAL CALENDAR

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RULES COMMITTEE CALENDAR

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SENATE BILLS FOR THIRD READING

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SB 954 - pg. 369 (Held Over)
SB 893 - pg. 370 (Held Over)
SB 762 - pg. 371 (Held Over)

SENATE BILLS FOR THIRD READING (Cont.)

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SENATE REVISION BILLS
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SRB 748
SRB 749
(All on page 362.) (Held Over)

Prepared by House Research Staff
Kenneth J. Rothman, Speaker

SB 893 -- Granting of an Easement

Sponsor: Frappier

Committee Action: Reported from the State Institutions Committee on a 5-0 vote.

The bill authorizes relocation of an easement granted to Missouri Edison by the Fort Zumwalt School District.

Proponents: Supporters say that a new building has been built on the present easement with the understanding that a new easement would be granted.

Testifying for the bill was the Missouri Edison Company.

Opponents: No opposition was voiced to the committee.

Sponsor: Riley

Committee Action: Reported from the Consumer Protection Committee on a 14-0 vote.

The bill establishes a licensing procedure for going-out-of-business sales. The license is to be obtained from the Department of Consumer Affairs, Regulation and Licensing and is to be granted only upon a written application under oath setting forth such information as why the sale is properly described as a going-out-of-business sale, a complete inventory of the merchandise that is to be sold, an inventory of merchandise purchased within sixty days of the sale, etc. A license is valid for up to forty-five days and can be renewed only once for an additional fifteen days and will not be renewed if any goods have been added to the inventory. No license shall be granted if an unusual order or purchase of merchandise has been made within sixty days of the start of the sale. Advertisements of going-out-of-business sales shall state the license number, and the application for a license shall be posted where the merchandise is to be sold. The provisions of the bill are enforceable by the attorney general.

Proponents: Supporters say that many going-out-of-business sales are fronts for dumping "stress" merchandise. Goods are added to the stock as fast as they are sold. This discredits such sales in general, making it more difficult for legitimate businesses to have going-out-of-business sales.

Testifying for the bill were the Florissant Valley Chamber of Commerce, Missouri Retailers Association, Better Business Bureau, the Attorney General's office and the Department of Consumer Affairs.

Opponents: No opposition was voiced to the bill in committee.

SB 721 -- Re: Fiscal Notes on Administrative
Rules

Sponsor: Melton
Administrative Rules Committee

Summary will be provided in an upcoming edition.

SB 765, HCA 1 -- Relating to Death of Certain Children

Sponsor: Manford

Committee Action: Reported from the Public Health and Safety Committee on a 9-0 vote.

This bill would provide for autopsies of children suspected of dying from "sudden infant death syndrome" to be performed at state expense. Autopsies must be performed by a qualified pathologist and must be in accordance with the Department of Health, Education and Welfare "sudden infant death syndrome" protocol. The parents of the child must be informed of the results of the autopsy and provided informational material on the syndrome. The Division of Health may solicit grants for research into the causes and prevention of "sudden infant death syndrome". The bill has an emergency clause in order to receive federal funds for this year.

HCA 1 -- Makes a technical change in the wording regarding the consent required from a parent or guardian.

<u>Fiscal Note:</u>	FY 1978-79	FY 1979-80
	\$46,344	\$45,525

Proponents: Supporters say that the bill would not only assist in finding the cause and cure for "sudden infant death syndrome", but would also be of enormous assistance in reducing the guilt felt by the families of its victims.

Testifying for the bill were Senator Manford, Representative Sego, Blair Sayre, M.D. and representatives of the National Sudden Infant Death Syndrome Foundation.

Opponents: No opposition was voiced to the committee.

SB 906 -- Teacher Retirement System

Sponsor: Dinger

Committee Action: Reported from the Education Committee on a 21-0 vote.

This bill would make the single change in the teacher retirement system of removing the five year limitation within which one may presently "buy back" into the retirement system.

Proponents: Supporters say that a problem occurs because of the present law when reentering persons are required to "buy back" into the system within five years. In some cases, the persons are not financially able to buy back their former status within the prescribed period. Making the reentry period indefinite does not jeopardize the actuarial soundness of the program because both the principal and interest must be remunerated in order to acquire the former eligibility. What the bill does attempt is to allow members to regain their fully earned entitlement without the restriction of a time limitation. Testifying for the bill were the Missouri State Teachers Association and the Missouri National Education Association.

Opponents: No opposition was voiced to the committee.

SB 657 -- Relating to Development Finance
Corporations

Sponsor: Welliver

Committee Action: Reported from the Banks and
Financial Institutions Committee on a 13-3
vote.

This bill would expand the types of institutions
which may be members of a development finance
corporation. Among the institutions added to the
membership base are: federal and state savings
and loan associations or corporations; public or
private pension or retirement funds; partnerships,
foundations or any other entity engaged in lending
or investing funds. Loan limits for savings
and loan associations would be set by the Division
of Savings and Loan Supervision. For other finan-
cial institutions added by this bill, loan limits
would be set by the board of directors of the cor-
poration. This bill would allow member financial
institutions to negotiate additional loans to a
development finance corporation that could exceed
any limits set in this section of the statutes.

Any such loans would count against the legal loan
limits established for the financial institutions,
however. This bill would allow the development
finance corporation and a member institution to
negotiate a different rate of interest than the
rate currently provided by law. This bill would
exempt the bonds and securities of the develop-
ment finance corporation from the Missouri Uniform
Securities Act.

Proponents: Supporters say this bill will update
current law. They say by expanding the mem-
bership base for the development finance
corporation, more money for loans can be
obtained. Increased development loans should
create more jobs in the state. They say that
some member institutions are willing to loan
more money to the development finance cor-
poration but are prohibited by current law
from doing so. They say the development finance
corporation can get a better interest rate
sometimes, on a temporary basis, than the
prime rate plus $\frac{1}{4}$ of 1% required by law.

(The exemption from filing under the Uniform Securities Act is justified because the Division of Finance regulates the development finance corporation, and the additional filings now required increase paperwork unnecessarily.

(Testifying for the bill were Senator Welliver and Jerry Stegall, Executive Vice-President, First Missouri Development Finance Corporation.

Opponents: No opposition was voiced to the committee.

SB 795 -- Publication of Financial Statements
by Savings and Loans

Sponsor: Gant

Committee Action: Reported from the Banks and
Financial Institutions Committee on a 16-0
vote.

This bill would change the date upon which sav-
ings and loan associations must publish state-
ments of their financial condition in local
newspapers. The current requirement of publica-
tion during the month of January would be re-
placed by publication within 30 days after the
end of the savings and loan associations's fis-
cal year.

Proponents: Supporters say if an association's
fiscal year does not end in January, the cur-
rent law can result in old financial informa-
tion being given to the public. This change
in the timing of publication would allow up
to date financial information to be published.
Testifying for the bill were Representative
Park and the Missouri Savings and Loan League.

Opponents: No opposition was voiced to the
committee.

SB 751, HCA 1 -- Land for a Cerebral Palsy
Facility

Sponsor: Dennis

Committee Action: Reported from the Public
Health and Safety Committee on a 9-0 vote.

This bill would authorize the governor to convey an acre of land presently part of the State School for the Severely Handicapped, No. 49, to the Scott-New Madrid-Mississippi Counties' Cerebral Palsy Affiliate to construct a cerebral palsy center. Title to the land would revert to the state if the land ceases to be used for this purpose.

HCA 1 -- Adds an emergency clause and increases the consideration involved from \$1 to \$500.

Proponents: Supporters say that land currently standing idle could be put to good use as a cerebral palsy center.
Testifying for the bill were Senator Dennis and Representative DeField.

Opponents: No opposition was voiced to the committee.

HOUSE PERFECTION CALENDAR

Week of April 10, 1978

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HJR 62 - pg. 262 (Held Over)
HJR 72 - pg. 332 (Held Over)

HOUSE BILLS FOR PERFECTION

INFORMAL CALENDAR

HB 1446 - pg. 109
HS HB 1445 - pg. 106
HB 1279 - pg. 134

SENATE BILLS FOR THIRD READING

SB 497 - pgs. 358,359 (Held Over)
SB 779 - pg. 411
SB 765 - pg. 378 (Held Over)
SB 632 - pgs. 412,413
SB 492 - pgs. 414,415
SB 906 - pg. 376 (Held Over)
SB 657 - pgs. 380,381 (Held Over)
SB 795 - pg. 382 (Held Over)
SB 751 - pg. 383 (Held Over)
SS SB 685 - pgs. 390,391 (Held Over)
SB 691 - pg. 392 (Held Over)
SB 503 - pg. 393 (Held Over)
HCS SCS SB 508 - pgs. 394,395
(Held Over)
HCS SB 775* - pgs. 396,397,398
(Held Over)
SB 950 - pg. 399 (Held Over)
SB 774 - pg. 400 (Held Over)
SB 622 - pg. 401 (Held Over)
SB 623 - pg. 402 (Held Over)
HCS SS SB 628 - pg. 403 (Held Over)
SB 542 - pgs. 404,405 (Held Over)
SB 550 - pg. 406 (Held Over)
SB 594 - pg. 407 (Held Over)
HCS SB 820 - pgs. 408,409,410
(Held Over)

SENATE BILLS FOR THIRD READING
(Cont.)

SB 506 - pg. 416
SB 610 - pg. 417
SB 752 - pgs. 418,419
SB 700 - pg. 420
SB 769 - pg. 421
SB 665 - pg. 422
SB 792 - pg. 423

SENATE REVISION BILLS FOR
THIRD READING

SRB 738
SRB 739
SRB 740
SRB 742
SRB 743
SRB 744
SRB 745
SRB 746
SRB 748
SRB 749

(All on page 362.) (Held Over)

*This edition contains an amended synopsis of the indicated bill. The page number of the synopsis requiring changes is listed so that you may update this calendar with the new material. Please destroy original page.

Prepared by House Research Staff
Kenneth J. Rothman, Speaker

charter form of government:

- 1) sheriff (effective January 1,... \$25,000 1981)
(currently..... 17,500)
(The sheriff would be instructed to establish a system for personal property identification. Such a system is outlined. This duty would increase the sheriff's annual compensation by \$7,500. This provision would expire January 1, 1981.)
- 2) circuit clerk..... 22,000
(currently..... 16,500)

The bill also provides that the revenue collector in certain specified first class counties under land tax collection laws would receive an increase in compensation to an annual salary between \$15,000 and \$22,000. (The current range is \$12,500 - \$17,500.)

Also, in first class counties not having a charter form of government in which the county assessor has contracted with a constitutional charter city for assessment duties, all fees would be paid into the county treasury. (Effective September 1, 1981.) If requested by the county court, the assessor shall have the additional duty of submitting a list of all new assessments. This duty would increase the assessor's annual compensation by \$5,500 (in Table #1 counties, see above) and \$4,500 (in Table #2 counties, see above). (Expires September 1, 1981.)

Finally, the county treasurer would have additional duties relating to the receipt of federal revenue sharing funds. This duty would increase the treasurer's annual compensation by \$8,500 (in Table #1 counties, see above) and \$4,500 (in Table #2 counties, see above). (Expires January 1, 1981.)

Fiscal Note: The only office in this proposal that will affect the revenue of the state is the increase for the assessor. It is assumed

that this legislation will increase the salary of two assessors August 13, 1978 and two more January 1, 1979, if their counties become first class. The total annual state cost will be \$9,500. However, SB 277 enacted last session, effective January 1, 1978, limits the state's cost of assessing and collecting revenue by the assessor to one-half of the cost and expenses incurred in the year 1976 plus not more than a five percent increase over that amount each year. Therefore, if the cost and expenses of each of these assessors have increased more than five percent, there will be no cost to the state.

Proponents: Supporters say that increased compensation is needed and that it is simply more equitable to provide raises for all of these officials at the same time, rather than selective, individual raises.

Testifying for the bill were Senator Snowden, Senator Bradshaw, three officials from Greene County, Representatives Donegan, Dames, Boschert, Thomas and Mr. Robert Bower, county assessor of St. Charles County.

Opponents: No opposition was voiced to the bill in committee.

SB 779 -- County and Township Assessors

Sponsor: Webster, et al

Committee Action: Reported from the Fees,
Salaries and Retirement Committee on a
11-0 vote, with one member voting present.

The bill would instruct all county assessors (except those in first class counties) and all township assessors in township organization counties to place identification numbers, letters or names of all school districts and other political subdivisions authorized to levy a tax in columns provided on the land list and personal property list.

Additional compensation for these increased duties would be: \$3,600 for county assessors, and \$3,600 divided by the number of township assessors in each county for township assessors. (This figure would be not less than \$200 nor more than \$300 for each township assessor.)

Fiscal Note: Fiscal note being prepared.

Proponents: Supporters say that these additional duties are necessary and that the corresponding salary increases are needed and justified by the additional duties.

Testifying for the bill was its sponsor and four county assessors.

Opponents: No opposition was voiced to the committee.

SB 632 -- Circuit Court-St. Louis County-
Increase in Divisions and Judges

Sponsor: Murray

Committee Action: Reported from the Judiciary
Committee on a 9-1 vote.

This bill would increase the number of divisions and the number of judges by two from the present seventeen.

This bill has an effective date of January 1, 1979.

Fiscal Note: The effect on the General Revenue Fund for a fiscal year would be \$178,846.

Proponents: Supporters say the total cases filed in the circuit courts of the state have increased by 11.3% over the past five years. During the same period of time, the total cases filed in St. Louis County Circuit Court have increased by 28.4%.

On a per judge basis, St. Louis County has the greatest number of cases filed per judge, the greatest number of dispositions per judge and the greatest number of cases pending per judge among the three urban circuits.

Of concern to the court, at this time, is the fact that, while the total number of cases filed over the past five years increased by 28.4%, the number of felony cases filed during the same period have increased by 88.1%. In addition, the number of juvenile referrals, not reflected in the total caseload, has increased from 12,640 in 1972 to 18,029 in 1976, or 42.6% which is usually an indication of future expectations in the criminal caseload.

The population of St. Louis County continues to grow and has far exceeded its reported population. Businesses and lawyers continue to move into the county at an accelerated rate. The Police Department has more than doubled its personnel in the past

five years, all of which generates business for the court. And if the court is to continue its efforts toward a speedy trial, additional judges are necessary.

Testifying for the bill were Judge Robert Hoester; Judge John Rickhoff, Jr.; Robert Rukland, Director of Judicial Administration, St. Louis County Circuit Court.

Opponents: No one spoke in opposition to the bill.

SB 492 -- Benefit Payments

Sponsor: Merrell

Committee Action: Reported from the Social Services and Medicaid Committee on a 6-0 vote.

This bill would repeal a provision which limits state supplemental welfare payments to persons whose cash income was reduced in December 1973 because of their transfer to the federal supplement security income program.

In order for recipients to be eligible for payments, they must be a resident of Missouri and have been receiving similar assistance payments from the state in December, 1973.

In addition, payments under aid to the blind would be \$135, less any federal supplemental security income payments.

Further, the bill would increase payments to individuals in practical and domiciliary nursing homes. The ceiling on total state payments for practical care would be raised from the present \$200 to \$300 monthly, and domiciliary care would be raised from the present \$150 to \$225 monthly. In-home care in a licensed boarding home would be established at \$120 monthly.

Finally, the bill would eliminate overlapping and contradictory provisions of two bills passed in 1975 pertaining to this section.

<u>Fiscal Note:</u>	FY 1978-79	FY 1979-80
Decrease --	(10½ months)	
General Revenue Fund	\$13,902,875	\$16,583,400

Proponents: Supporters say that this bill is needed to help patients combat the increasing cost of all nursing and boarding home care.

Testifying for the bill were the Missouri Boarding Home Association, the Missouri League of Nursing Home Care, Salt River Nursing Home Care and the Missouri Nursing

Home Association.

Opponents: No opposition was voiced to the
committee.

SB 506 -- Missouri Court of Appeals, Kansas City
District

Sponsor: Wiggins

Committee Action: Reported from the Judiciary
Committee on a 9-0 vote.

This bill would provide for three additional judges on the Court of Appeals, Kansas City district.

Proponents: Supporters say in addition to the statistical growth observed in other courts of appeals, the Kansas City district hears an ever increasing number of administrative appeals from Jefferson City.
Testifying for the bill were Judge J. F. Pritchard, Kansas City District Court of Appeals and Judge Fluffard.

Opponents: No one spoke in opposition to the bill.

SB 610 -- Hearings by Department of Social
Services

Sponsor: Frappier

Committee Action: Reported from the Social
Services and Medicaid Committee on a 9-0
vote.

This bill would require that the Department of
social Services provide a hearing for any provi-
der of medical services, drugs, medicines and
medical equipment whose claim for reimburse-
ment for providing those services has been
denied or not acted upon with reasonable prompt-
ness by the Department of Social Services. At
present, only applicants or recipients of medi-
cal assistance have the right to a hearing.

Proponents: Supporters say that if providers
give services they should be compensated for
it. Supporters feel the provider should be
afforded the right to be heard.

Testifying for the bill was the Missouri
Osteopathy Association.

Opponents: Those who oppose the bill say
section 208.156 RSMo is keyed to the person
receiving assistance and not to the provider.
It was the intent of section 208.156 to help
the poor. Providers have an option, in that
they may provide services if they wish but
they are not obligated to do so. Therefore,
they should not have a right to a hearing.
Opponents feel that the recipients are the
ones in need and should have the best advan-
tage.

Testifying against the bill was the Depart-
ment of Social Services.

SB 752, HCA 1 -- Sheriff's Compensation

Sponsor: Dennis

Committee Action: Reported from the Fees,
Salaries and Retirement Committee on a 9-1
vote with two members voting present.

The bill would provide sheriffs in all class
two counties with an increase in the additional
compensation they receive for duties relating
to personal property identification. The annual
increase would be to \$4,800 from the current
\$3,000. In addition, the ceiling on compensa-
tion for sheriffs in class three counties, with
an assessed valuation of less than \$20 million,
would be raised to \$18,000 from the current \$10,000
HCA 1 - would change the \$18,000 figure to
\$13,900.

The bill would also instruct sheriffs in all
counties (except those with a charter form of
government) or in any city not within a county
to establish a system of identification for per-
sonal property. Such an identification system
is then outlined. Compensation for these addi-
tional duties is specified as follows:

(1) St. Louis City: additional compensation not
to exceed \$4,500.

(2) Class three counties:

\$3,750	less than 7,500	population
3,900	7,500 - 10,000	
4,050	10,000 - 11,500	
4,200	11,500 - 15,000	
4,350	15,000 - 24,000	
4,500	24,000 - 30,000	
4,500	30,000 or more	

(3) Class four counties:

\$2,250	less than 7,500	population
2,400	7,500 - 10,000	
2,550	10,000 - 11,500	
2,700	11,500 - 13,000	
2,850	13,000 - 15,000	
3,000	15,000 or more	

(Proponents: Supporters say that sheriffs in these counties have not received a salary increase for a number of years - and that such an increase is now due.

Testifying for the bill were Senator Dennis and three county sheriffs.

(Opponents: No opposition to the bill was voiced to the committee.

SB 700 -- St. Louis Circuit Attorneys Employees Compensation

Sponsor: Scott, et al

Committee Action: Reported from the Fees, Salaries and Retirement Committee on a 10-0 vote, with one member voting present.

The bill would create one new position of chief investigator for St. Louis City. The investigator would be appointed by the circuit attorney and would be paid (at the discretion of the circuit attorney) not less than \$16,000 nor more than \$18,000 per year.

The bill would also raise the maximum ceiling for St. Louis circuit attorney employees according to the following table:

	<u>Current</u>	<u>Proposed</u>
first assistant circuit attorney	\$22,000	\$25,000
one chief trial assistant	\$22,000	\$25,000
one warrant officer	\$22,000	\$25,000
additional assistant circuit attorneys		
not less than	\$11,000	\$12,000
not more than	\$21,500	\$24,500
chief clerk	\$15,000	\$17,500
five grand jury reporters	\$11,000	\$13,000
additional clerks, stenographers, reporters		
not less than	\$ 5,200	\$ 7,200
not more than	\$ 8,000	\$11,000
criminal legal investigators		
not less than	\$ 7,500	\$ 9,000
not more than	\$11,000	\$15,000

Fiscal Note: None required.

Proponents: Supporters say that current salaries for these employees are inadequate, and that the proposed pay increases are needed and justified.

Testifying for the bill was Senator Scott.

Opponents: No opposition was voiced to the committee.

SB 769 -- Special County Counselor

Sponsor: Snowden

Committee Action: Reported from the Judiciary Committee on a 10-0 vote.

This bill would specifically allow the employment of special county counselors in counties of the first class not having a charter form of government and containing all or part of a city with a population of over four hundred thousand inhabitants. These counselors, salary paid and set by the county, must have the same qualifications as required for the county counselor.

Proponents: Supporters say this bill is of a clarifying nature, seeking to underline the need for the employment of special county counselors.

Testifying for the bill was Senator Snowden.

Opponents: No one spoke in opposition to the bill but concern was expressed in that by requiring residency in the county, an unwanted limitation may occur in the hiring of special county counselors.

SB 665, HCA 1 -- Statutes of Limitations on
Foreclosure of Mortgages and Deeds of Trust

~ Sponsor: Bradshaw

Committee Action: Reported from the Civil and
Criminal Justice Committee on a 8-0 vote.

This bill establishes the date upon which the
twenty year period referred to in section

~ 16.150 begins to run. The bill sets out the
following rules:

If the date cannot be determined from the
face of the instrument, the twenty year period
will begin to run on the recited date of exe-
cution of the instrument.

If there is no recited date, the date of
acknowledgement begins the running of the period.

If there is not a recited date or a date of
acknowledgement, the date of recording begins
the running of the period.

If there is no recited date, date of ac-
knowledge, or date of recording, the original
date of the secured obligation begins the running
of the period.

~ HCA 1 -- Makes the provisions of the bill
apply to deeds of trust and mortgages recorded
after January 1, 1979.

Proponents: Supporters say if no termination
date is shown on the instrument, the statute
of limitations under the present law will
never start to run. This means there is a
problem of obtaining a clear title to property
when there is an unreleased mortgage or deed
of trust. This bill creates an alternative
date to start the running of the statute of
limitations.

~ Testifying for the bill were Senator Brad-
shaw; Willard L. Eckhardt and Grant S. Nelson
as lawyers and members of the Property Law
Committee of the Missouri Bar; and a rep-
resentative of the Missouri Savings and Loan
League to request an amendment to make the
bill effective to deeds of trust recorded
subsequent to the bill's effective date.

~ Opponents: No one spoke in opposition to the
bill.

Richard Waters, Research Analyst Pg. 422

SB 792 -- Payment of Sheriff's Cost when Extradition is Waived

— Sponsor: Panethiere

Committee Action: Reported from the Civil and Criminal Justice Committee on a 10-0 vote.

This bill deals with the payment of costs incurred by the sheriff's department when there is a waiver of extradition by a person arrested in any other state, territory, or possession of the United States after an arrest warrant has been issued in Missouri. At present, the section only applies to persons arrested in an adjoining state.

The costs incurred by the sheriff's department are to be reimbursed by the state irregardless of the final disposition of the criminal proceedings. The county is to reimburse the sheriff's department without regard to the final disposition of a case brought under section 559.256 RSMo.

These expenses paid to the sheriff's department are to be recovered by the governmental unit from which the person was extradited unless the person is acquitted of the charge.

— Proponents: Supporters say this bill eliminates the distinctions in extraditions in the present law. No longer would there be distinctions between voluntary waiver of extradition in adjoining and nonadjoining states and between forced extradition and waiver of extradition. The bill does not effect Missouri's uniform extradition act but only deals with the disbursements of funds within the state. Testifying for the bill were Senator Panethiere and Stephen Volek of Jackson County, Missouri.

— Opponents: No opposition to the bill was voiced to the committee.

HOUSE PERFECTION CALENDAR

Week of April 17, 1978

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HJR 62 - pg. 262 (Held Over)

HJR 72 - pg. 332 (Held Over)

HOUSE BILLS FOR PERFECTION

INFORMAL CALENDAR

HB 1446 - pg. 109

HS HB 1445 - pg. 106

HB 1279 - pg. 134

SENATE BILLS FOR THIRD READING HELD OVER

HCS SCS SB 508 - pgs. 394,395

HCS SB 775 - pgs. 396,397,398

SB 950 - pg. 399

SB 774 - pg. 400

SB 622 - pg. 401

SB 623 - pg. 402

HCS SS SB 628 - pg. 403

SB 542 - pgs. 404,405

SB 550 - pg. 406

SB 594 - pg. 407

HCS SB 820 - pgs. 408,409,410

SB 506 - pg. 416

SB 610 - pg. 417

SB 752 - pgs. 418,419

SB 700 - pg. 420

SB 769 - pg. 421

SB 665 - pg. 422

SB 792 - pg. 423

SENATE BILLS FOR THIRD READING-ADDITIONS

SCS SB 582 - pgs. 424,425

SB 811 - pg. 426

SB 624 - pg. 427

SENATE BILLS FOR THIRD READING

ADDITIONS (CONT.)

SB 625 - pg. 428
SB 761 - pg. 429
SCS SB 507 - pgs. 430,431
SS SB 587 - pg. 432
SB 794 - pg. 433
SCS SB 956 - pg. 434
SB 873 - pg. 435
SB 851 - pg. 436
SB 814 - pg. 437
SS SB 672 - pg. 438
SB 547 - pg. 439
SB 690 - pg. 440
SB 652 - pgs. 441,442

SENATE BILLS FOR THIRD READING

INFORMAL CALENDAR

SB 691 - pg. 392
SB 503 - pg. 393

SENATE REVISION BILLS FOR THIRD READING

SRB 738
SRB 739
SRB 740
SRB 742
SRB 743
SRB 744
SRB 745
SRB 746
SRB 748
SRB 749
(All on page 362.) (Held Over)

Prepared by House Research Staff
Kenneth J. Rothman, Speaker

SCS SB 582, HCA 1 & 2 -- Relating to Elections
Procedures

Sponsor: Dirck

Committee Action: Reported from the Elections
Committee on a 8-0 vote.

This bill would revise the section authorizing election authorities to give notice by mail of an election (115.129 RSMo, 1977), by providing that the notice may, in lieu of stating the agency calling the election, state whether the election is a national, state, county, municipal or special purpose district or special election. If the second option is exercised, the notice must also state the voter's township, election precinct, municipality (if any), school district and fire district.

The bill also adds a new section (115.300) which authorizes election authorities in jurisdictions using electric voting machines to begin processing absentee ballots as soon as they are received.

The bill adds another new section (115.468) which would give election authorities the discretion to verify and tally write-in votes at the election authority's counting center rather than at the polling places.

HCA 1--Section 115.300 would be changed to limit processing of absentee ballots prior to election day to processing of the envelopes and would not authorize opening of the envelopes for processing of the ballots.

HCA 2--Would revise the amendment to section 115.129 so that the voter's township, election precinct, municipality, school and fire districts would only have to be stated when the entity is involved in the election.

Proponents: Supporters say the provision relating to notice by mail would affect only St. Louis and Jackson Counties and St. Louis City at the present time. The change would avoid having to include duplicate and unnecessary information on the postcards mailed out by election authorities.

The new section 115.300 was introduced primarily for St. Louis County, where election authorities have had a great deal of difficulty getting their large number of absentee ballots prepared for tabulation in the time available. This bill would allow the absentee ballot envelopes to be opened, the ballots processed and the information to be transposed onto computer tape.

Testifying for the bill was Senator Dirck.

Opponents: The Secretary of State spoke only in opposition to the portion of the bill which would allow absentee ballot envelopes to be opened and the ballots processed prior to election day. The adoption of HCA 1, however, erases this objection. The Office does not oppose processing of the envelopes, but believes that opening the envelopes prior to election day is an invitation to fraud. Testifying against the bill was the Secretary of State.

SB 811 -- Licensing of Real Estate Brokers

Sponsor: Welliver
Judiciary Committee

Summary will be provided in an upcoming supplement.

SB 624 -- Physicians-Ethical Practices-Advertising

Sponsors: Murray and Welliver
Judiciary Committee

Summary will be provided in an upcoming supplement.

SB 625 -- Dentists-Ethical Practices-Advertising

Sponsors: Murray and Welliver
Judiciary Committee

Summary will be provided in an upcoming
supplement.

SB 761 -- Industrial Development Corporation

Sponsors: Manford and Wiggins
Judiciary Committee

Summary will be provided in an upcoming
supplement.

SCS SB 507, HCA 1,2 -- Certificate of Need

Sponsor: Wiggins

Committee Action: Reported from the Public Health and Safety Committee on a 7-5 vote, with three members voting present.

This bill would require the State Health Planning and Development Agency (SHPDA) to issue certificates of need for new or additional health care facilities or services. Activities subject to review include: 1) any capital expenditure, any acquisition of equipment and any predevelopment costs in excess of \$150,000; 2) any change or reallocation of ten beds or 10% of the bed capacity over a two-year period; and 3) development of any new health care facilities or services.

Provisions are made for review and hearing procedures. After the effective date of the act, no facilities or services may be developed without a certificate of need. If development proceeds without a certificate, the attorney general has injunctive powers over such cases, and, also, no state operating licenses will be issued to these facilities. An issued certificate of need will be forfeited at the end of six months if the capital expenditure has not been incurred. One six-month extension is possible.

The SHPDA is also directed to give special consideration to health professional educational institutions and to the availability of both medical and osteopathic facilities.

HCA 1 -- Adds an effective date of July 1, 1979 in order to allow those facilities already in the planning stages of construction to incur the expenditure.

HCA 2 -- Eliminates the section that allows a regional Health Systems Agency recommendation on an application to become the decision of the SHPDA.

Fiscal Note: A fiscal note of \$43,230 for FY 1978-79 and \$49,684 for FY 1979-80 is attached to the bill.

Proponents: Supporters say that Missouri is the only state without a certificate of need or a 1122 review. The state must implement a certificate of need program by 1980 or risk the loss of considerable federal funds. Certificate of need is a first step toward trying to curtail rising health care costs. The state generally has an excess capacity of hospital beds, and this bill would require review for future bed capacity increases. Testifying for the bill were Senator Wiggins, Missouri Hospital Association, State Health Planning and Development Agency, Greater St. Louis Health Systems Agency, Missouri Health Care Association, Missouri Osteopathic Association and Missouri Association of Community Organization for Reform Now.

Opponents: Those who oppose the bill say that the Health Service Areas are not good geographic divisions in considering health needs. One part of an area may be overbedded while another is underbedded, and the underbedded area would not be allowed to expand its bed capacity. There were also questions raised by some who generally supported the bill but would want home health agencies to be subject to review, an independent consumer-dominated board to administer certificate of need program and expansion of nursing and physical therapy services to be excluded from review. Testifying against the bill was Representative Westfall.

SS SB 587 -- Conservation Commission-Enforcement
Powers

Sponsor: Caskey

Committee Action: Reported from the State Parks,
Recreation and Natural Resources Committee
on a 16-2 vote.

The bill allows the Conservation Commission to make certain rules and regulations pertaining to not only management of fish, game, forestry and wildlife resources but, also, management of real and personal property owned or leased by the commission.

On their lands they may regulate camping areas, motor vehicles, and firearm use and possession.

Any authorized commission agent has the authority to arrest, without warrant, any person violating this act within his view.

A hearing must be held prior to the adoption of any rule or regulation, and all adopted rules and regulations must be filed with the office of the Secretary of State.

Proponents: Supporters say many of the commission's enforcement powers will expire January 1 when the new criminal code becomes effective. Agents of the commission need the authority to control misuse of and dangerous situations upon their lands. This bill would allow them to control speeding, misuse of firearms in public areas, and vandalism without having to rely solely on state and local law enforcement agents.

Testifying for the bill was the Conservation Commission.

Opponents: No opposition to the bill was voiced to the committee.

SB 794 -- Banks - Secondary Facilities

Sponsors: Gant and Welliver

Committee Action: Reported from the Banks and
Financial Institutions Committee on a 18-0
vote.

In addition to the activities already authorized by section 362.107, this bill would allow banks to make loans at their secondary facilities.

Proponents: Supporters say this law, having passed in HB 1198 of 1976. However, the other provisions of this act are in court and the entire act could be struck down.
Testifying for the bill was Senator Welliver.

Opponents: No opposition was voiced to the committee.

SB 956 -- Authority for Quitclaim on Certain
Hickory County Properties

Sponsor: Russell

Committee Action: Reported from the State
Institutions and Property Committee on a
7-0 vote.

The bill authorizes the governor to issue a quitclaim deed on approximately 3,000 acres of land located in Hickory County. Any claim to the land by the state, a claim which has not been exercised, would be based on an erroneous transfer to the state made in 1876. This transfer, erroneous as it doubtless was, nonetheless constitutes a defect in the title to the land covered by the bill.

Proponents: Supporters say that the title defect needs to be cured. The state has no record of such a transfer and exercises no claim to the land based on the transfer recorded in county records.
Testifying for the bill was the Prosecuting Attorney of Hickory County.

Opponents: No one spoke in opposition to the bill.

SB 873, HCA 1 -- Sale of a Lot in Kansas City

Sponsor: Gant

Committee Action: Reported from the State
Institutions and Property Committee on a
7-0 vote.

The bill authorizes sale by auction of a lot
in Kansas City presently under the control of
the Department of Education.

HCA 1 -- Adds a fuller legal description
of the lot.

Proponents: Supporters say that the lot was
bequeathed to the State Board of Education,
and the board wants to sell it.
Testifying for the bill was Senator Gant.

Opponents: No opposition was voiced to the
bill in committee.

SR 851, HCA 1 -- Sale of Land to United Cerebral
Palsy of Southwest Missouri

Sponsor: Bradshaw

Committee Action: Reported from the State
Institutions and Property Committee on a
7-0 vote.

The bill authorizes the governor to sell an
acre of land located in Springfield, Missouri
to United Cerebral Palsy of Southwest Missouri.

HCA 1 -- Raises the amount for the transfer
from \$1 to \$200.

Proponents: Supporters say the parcel of land
is not being used by the state and is land-
locked. The bill will allow United Cerebral
Palsy to expand its facilities.

Testifying for the bill were United Cerebral
Palsy of Southwest Missouri and the Depart-
ment of Mental Health.

Opponents: No opposition was voiced to the
bill in committee.

SB 014 -- Special Fuel Tax

Sponsor: Wilson

Committee Action: Reported from the Transportation Committee on a 21-0 vote.

This bill provides that taxes paid on the purchase of special fuels which are not used in motor vehicles using the highways could be returned only if a record of the special fuel consumed by the auxiliary equipment is maintained in accordance with the reasonable rules and regulations of the director of revenue.

Fiscal Note: It is assumed that there will be some revenue loss in refunds of special fuel tax to the Highway Department Fund, but any estimate would be a conjecture. However, the Office of Fiscal Affairs says the loss will be minimal.

Proponents: Supporters say this bill would provide a systematic approach for scheduling of special fuel usage by auxiliary equipment for the purpose of refunds on taxes paid.
Testifying for the bill was Senator Wilson.

Opponents: No opposition to the bill was voiced to the committee.

SS SB 672--Boards and Commissions

Sponsor: Woods

Committee Action: Reported from the License and Related Matters Committee on a 5-1 vote.

The bill would add a public member to state boards and commissions. The public member would be appointed by the Governor from a list of nominees submitted by the Director of the Department of Consumer Affairs, Regulation and Licensing.

HCA 1 eliminates a provision for bi-partisanship on the Board of Accountancy.

HCA 2 restores voting rights to public members (which were deleted from the original bill in the Senate) and removes a provision for a public member of the Board of Law Examiners.

<u>Fiscal Note:</u>	<u>FY 1978-79</u> (10½ months)	<u>FY 1979-80</u>
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Decrease in State Funds:	\$31,559	\$37,101
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Proponents: Supporters say the bill would promote greater public participation in the regulatory activities of these boards. Public confidence would also be improved. This approach has been successful in other states where it has been tried.

Testifying for the bill were Senator Woods, C.A.R.L., and the Board of Embalmers and Funeral Directors.

Opponents: Those who oppose the bill say the bill is not needed as there have been no problems with Missouri regulatory boards. Public members have no expertise in the specific fields and are therefore in no position to pass judgement in disciplinary activities of the boards. Objections were also raised to the cost of the bill.

Testifying against the bill were Missouri Dental Association, Missouri Osteopathic Association, Missouri Association of Realtors, Missouri Association of Professional Engineers, and Missouri Barbers Association.

SB 547 -- Real Estate License Fee

Sponsor: Mueller

Committee Action: Reported from the License and
Related Matters Committee on a 5-1 vote.

The Annual Real Estate Broker's license fee would be raised to \$10 and the fee for a Real Estate Salesman's license would be raised to \$5.

Provisions are also made for reciprocal licensing of non-residents at fees commensurate with those charged for Missouri residents by neighboring states.

HCA 1 merely clarifies language.

<u>Fiscal Note:</u>	<u>FY 1978-79</u>	<u>FY 1979-80</u>
(Based on projections by the State Real Estate Commission)		

Increase:	\$34,375	\$139,312
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The additional fees would be deposited in the Missouri Real Estate Commission Fund.

Proponents: Supporters say fees have not been increased since 1941 and the small increase is hardly prohibitive. The provision for reciprocity is needed since many neighboring states charge higher fees for Missouri residents while foreign residents are charged minimal fees in Missouri.

Testifying for the bill was Senator Mueller.

Opponents: No opposition to the bill was voiced to the committee.

— SB 690 -- A Husbandry Implements Exception to
the State Width, Height and Length
Requirements of Motor Vehicles

Sponsor: Tinnin

Committee Action: Reported from the Agriculture
Committee on a 27-0 vote.

— The bill adds self-propelled hay-hauling equip-
ment and implements of husbandry to the pro-
vision excluding certain machineries from the
rules and regulations governing highway opera-
tion.

Implements of husbandry are self-propelled
vehicles, operating at less than 30 miles per
hour, designed primarily for off-road usage
and used exclusively for the application,
not transportation, of plant food materials or
agricultural chemicals.

— Proponents: Supporters say this bill will
allow flotation tires to be used on trucks.
These tires allow a farmer to have plant
food materials or agricultural chemicals
applied to his fields even in wet weather.
Under this bill a vehicle can go to a
farmer's field loaded rather than empty. At
present, the trucks can go to the field
empty, but must be loaded at the field by a
tender vehicle. By the changes proposed in
the law, a loaded truck will be able to save
time, thus resulting in a cost savings for
fertilizer or farm chemical applications.
Testifying for the bill were Senator Tinnin;
Missouri Agriculture Industries Council;
Farmland Industries; Farmway Service
(Columbia, Missouri Exchange); Missouri
Farmers Association; Midcontinent Farmers
Association; Missouri Farm Bureau Federation;
Howard Elkin, Greenacres Farm Supply (Cen-
tralia, Missouri), and Mr. Paul Purvis.

— Opponents: No opposition was voiced to the
committee.

SB 652 -- Community Mental Health Services

Sponsor: Manford

Committee Action: Reported from the Governmental Review Committee on a 6-0 vote, with six members voting present.

This bill strengthens the statutes pertaining to community mental health services. The Department of Mental Health would establish catchment areas within which comprehensive mental health services would be conducted. Any county could, by a majority vote, levy a tax to support such community mental health services. By petition of 8% of the qualified voters, the governing body of a county would be required to submit such a tax proposition to the voters. The tax levy could not exceed 30¢ per each \$100 assessed valuation. Receipts from such a tax would be deposited in a "community mental health fund" governed by a board of trustees. Such monies could be used to:

- 1) establish, operate and maintain community mental health centers, clinics or any comprehensive mental health services;
- 2) supplement existing funds used for the above purposes;
- 3) purchase any of the comprehensive services from community mental health centers, clinics and any other public facility or not-for-profit corporations designated by the Department of Mental Health.

A county could contract for the provision of services, as above, and appropriate the consideration for the services out of its general revenue fund. This revenue could not exceed the revenue that could be derived from a tax levy as described above. Such a contract could not exceed a term of five years.

Counties within a catchment area could contract with each other to provide joint services. Each county would bear a proportionate share of the costs. Unless all participating counties in a joint program agree, no county could withdraw earlier than two years after notification to the entities receiving funds. A board of

trustees of at least nine members would be established within a catchment area upon the election to provide comprehensive mental health services. The board would: have administrative control over any center, clinic or service established; administer the community mental health fund; contract for services; and submit any information required on the disbursement of monies from the fund.

The Department of Mental Health would establish standards of construction, staffing, operations and services which would have to be met by any public or private entity receiving funds collected pursuant to the provisions of this bill. The department would provide consultative services to the counties and coordinate its services and the community mental health services.

No person would be denied mental health services because of inability to pay. Any non-participating county within a catchment area would be charged for services rendered to residents of that county who are not able to pay.

Fiscal Note: No state expenditures.

Proponents: Supporters say the current statute is unworkable. This bill gives the counties flexibility. There is nothing mandatory in the bill, and it will be instrumental in the development of local mental health treatment facilities.

Testifying for the bill were Dwayne Hensly, director, Division of Mental Health; John Macek, director, Independence, Missouri Mental Health Clinic; and Herman Oligschlaeger, executive director, Mental Health Association.

Opponents: No opposition was raised to the committee.

HOUSE PERFECTION CALENDAR

Week of April 24, 1978

HOUSE BILL FOR PERFECTION

HB 1824 - pg. 443

SENATE BILLS FOR THIRD READING

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SCS SB 505 - pgs. 446,447
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SB 665 - pg. 422 (Held Over)
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HCS SB 664 - pgs. 450,451
HCS SB 914 - pg. 452
SS SB 588 - pg. 453

Prepared by House Research Staff
Kenneth J. Rothman, Speaker

HB 1824 -- Relating to Employment Security

Sponsor: McKamey

Committee Action: Reported from the Employment Security and Fair Employment Practices Committee on a 7-0 vote.

This bill makes three technical changes in unemployment security law:

1.) HB 707, passed during 1977, excluded certain educational employees from unemployment benefits if a reasonable expectation existed that these employees would have jobs during the next school term. Because of subsequent changes in federal law, a technical change removing references to two dates in the Missouri statutes became necessary to preserve legislative intent expressed in HB 707. This change appears in 288.040 2.(2) and 288.040 2.(3).

2.) The words "or terms" are added to 288.040 2.(3) to preserve internal consistency.

3.) 288.040 7. has been amended to exclude illegal aliens from unemployment benefits. According to the Division of Employment Security, this change will have no measurable effect in Missouri but is included in the bill to conform to federal guidelines.

Fiscal Note: No fiscal note was available at the time of printing.

Proponents: Supporters say the bill would preserve legislative intent as expressed in HB 707 and would make other non-substantive technical changes in the law.
Testifying for the bill was the Department of Employment Security.

Opponents: No opposition was voiced to the committee.

SB 581 -- Missouri-St. Louis Metropolitan Airport
Authority

Sponsor: Dirck

Committee Action: Reported from the House Labor
Committee on a 9-0 vote.

This bill is identical to HB 1306 which was passed by the Labor Committee earlier in the session. The bill extends authorization for the Missouri-St. Louis Metropolitan Airport Authority until the end of 1980. Without this bill, the Airport Authority will expire December 31 of this year. The House version has been heard by the Senate Labor and Management Committee.

Fiscal Note: From general revenue fund:
\$520,481 in FY 1978 and \$551,710 in FY 1979.

Proponents: Supporters say the Airport Authority should be continued to prevent a future relocation of Lambert Field.

Testifying for the bill was Senator Dirck.

Opponents: No opposition was voiced to the committee.

SB 499 -- Revenue Bonds-Water Pollution Control

Sponsor: Merrell

Committee Action: Reported from the Governmental Review Committee on a 6-0 vote, with six members voting present.

This bill would authorize an additional \$28 million to be borrowed to finance water pollution control programs in the form of bonds.

Fiscal Note: Fiscal Note 3543-W is attached to the bill showing a cost of \$2,515,000 for FY 1978-79 and \$2,499,900 for FY 1979-80. The total cost over the 20 year life of bonds would be \$48,410,950 (\$28,000,000 principal plus interest of \$20,410,950).

Proponents: Supporters say this bill will finance the 15% state share of funds for water pollution control programs.
Testifying for the bill was Senator Merrell.

Opponents: No opposition was voiced to the bill in committee.

HCA 1 - Expenses for District agents be pro-rated within the limits of the appropriation.

Fiscal Note: The attached Fiscal note shows a cost in FY 1978-79 of \$5,385,028 in state funds and \$6,453,673 in federal funds and in FY 1979-80 of \$6,768,932 in state funds and \$8,615,977 in federal funds.

Proponents: Supporters say that this bill would allow hospitals to be more equitably reimbursed for outpatient services for Medicaid recipients. At present Missouri ranks very low among the states in Medicaid payments. For example, Missouri pays an average of \$20 per visit for outpatient services, while states utilizing the Medicare payment system pay an average of \$53 per visit. The Medicaid outpatient service constitutes the biggest loss for hospitals. Rates to private third party payers are hence higher in order to compensate for the loss. This bill

would not increase hospitals' costs. Hospitals simply want to be adequately reimbursed. At present, if a Medicaid recipient is hospitalized nearly 100% of the costs will be reimbursed. If the recipient chooses the less costly outpatient service, only about 40% of the bill will be paid by the state.

Testifying for the bill were Senator Harry Wiggins, the Missouri Hospital Association, the Jewish Hospital, Childrens' Mercy Hospital, Truman Medical Center, and St. Louis Childrens' Hospital.

Opponents: Although no opposition to the bill was voiced, some questions were raised as to whether rates to private pay patients would be lowered if Medicaid payments were increased. There was also questions as to whether increasing outpatient benefits would increase utilization of these services and decrease utilization of the more costly inpatient services. Apparently no known statistics are available to support or disprove this question. Another concern is that there is the possibility of increasing the treatment of ailments in the outpatient departments of hospitals that might be better and more cheaply handled in the physicians' office.

SB 683 -- Apiary Inspection

Sponsor: Tinnin

Committee Action: Reported from the Agriculture Committee on a 30-0 vote.

The bill gives the director of the Department of Agriculture the authority to inspect all apiaries. It also establishes procedures for transferring bees across state lines.

When a beekeeper requests an inspection, he must pay a fee to cover costs and mileage. No fee will be charged for nonrequested inspections and no certificate issued.

The director shall notify the beekeeper of the number and location of infected colonies. The beekeeper has six months to eliminate any disease or the hives may be destroyed.

A permit must be issued before bees can be transferred into Missouri. Applications must be submitted to the director and must be accompanied by a certificate of health issued by the authorized official from the state from which they are being moved. This certificate must show the bees have been inspected within 90 days prior to movement. Five dollars is charged for such permit.

Any person who is refused or has a permit revoked may request a hearing with the director.

Violation of the act is a misdemeanor punishable by a fine of not less than \$50 nor more than \$500 or confinement in the county jail of not more than one year or both.

Proponents: Supporters say a bill such as this is necessary in order to keep diseases afflicting bees from entering Missouri apiaries from other states. It will also help curtail the spread of disease within the state by forcing beekeepers to rid their bees of disease or destroy them.

Testifying for the bill was Joe Francka,

State Entomologist.

Opponents: No opposition was voiced to the
bill in committee.

HCS SB 664 -- Redesign Committee on Fiscal
Affairs

Sponsor: Bradshaw

Committee Action: Reported from the Governmental Review Committee on a 6-0 vote, with six members voting present.

This bill changes the title of the Committee on State Fiscal Affairs to "Joint Committee on the Budget and Fiscal Affairs". It removes language in the present statute "that a committee member continues during his term of office".

The bill creates an "invested cash reserve fund", which is a fund consisting of 5% of the estimated general revenue for the preceding fiscal year. The legislature must appropriate money to be credited to the fund. The fund is to be used only for the purpose of meeting the state's cash flow needs and is to be invested according to the constitution.

If the cash balance in the general revenue fund falls below \$10 million, the governor may transfer funds from the cash reserve fund to the general revenue fund. After \$10 million is reached in general revenue, the invested cash revenue fund is to be reimbursed.

The general assembly may appropriate monies out of the "invested cash reserve fund", but in the absence of an appropriation, the fund must be used to pay only direct appropriations.

The effective date on the act is January 1, 1979. However, it will not apply to appropriations for the fiscal year 1978-79.

Fiscal Note: No cost to the state is anticipated (Fiscal Note No. 3879-W).

Proponents: Supporters say by creating an invested cash reserve fund, the state will be able to meet current obligations with a constant cash fund. In past years revenue sources came into the treasury at a less than constant pace, leading to problems in meeting some obligations on time.

Testifying for the bill were Senator Bradshaw and Representative Smith (46).

Opponents: No opposition was voiced to the
bill in committee.

bill will allow the county court in counties of less than 100,000 population to appropriate up to \$100,000 or more to the road and bridge fund of a sheriff's office. It also allows the additional employment of a sheriff's office. The sheriff's office is to be the county court as to the sheriff's office. It is the county court's responsibility to pay the sheriff's case.

Proponents: Sup. court said bill allows the excess in road and bridge fund to be used at the county court's discretion to fund the sheriff's office. A serious situation exists as not enough money subsists in general revenue for support of the sheriff's office. However, ample funds exist in the road and bridge fund with few expenditures coming out of this fund.

Testifying for the bill were Representative Lynn and Sheriff Mickey Owens, Greene County.

Opponents: No opposition was voiced to the bill in committee.

SS SB 588 -- Careless Burning - Class C
Misdemeanor

Sponsor: Caskey

Committee Action: Reported from the Judiciary
Committee on a 11-1 vote.

Effective January 1, 1979, this bill authorizes an agent of the Conservation Commission to arrest any person for the crime of careless burning. Careless burning is committed when a person knowingly permits a fire on his own land or land under his possession or control to spread to the property of another. This bill makes such an act a Class C misdemeanor.

Proponents: Supporters say that careless burning was unintentionally omitted from the criminal code and this bill is needed to correct this oversight.

Testifying for the bill was Osel Caps,
Assistant Director, Conservation Commission.

Opponents: No one testified against the bill but initially concern was expressed as to the need for the bill.

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April 15, 1978

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HOUSE CALENDAR -- SENATE BILLS FOR THIRD READING

Week of April 28

Note: The attached summaries are of bills reported from the Committee on Revenue & Economics and placed on the calendar. Also included are summaries of three bills in Revenue & Economics (HCS SB 576, SB 692 and SB 613) which may be reported out and included in their places on the calendar.

SENATE BILLS FOR THIRD READING

HCS SB 576 - pgs. 383A,383B
SB 837 - pgs. 384,385
SB 865 - pg. 386
SB 700 - pg. 387
SCS SB 588 - pg. 387A
SB 546 - pgs. 388,389
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SB 725 - pg. 393
SB 656 - pgs. 394,395
SCS SB 570 - pg. 396
SB 845 - pg. 397
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SB 643 - pg. 400
SB 664 - pg. 401
SB 769 - pg. 402
SB 692 - pg. 402A
SB 563 - pg. 403
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SB 539 - pgs. 407A,407B
SB 693 - pg. 407C
SB 688 - pgs. 408,409
SB 581 - pg. 409A
SB 833 - pg. 410
SS SB 713 - pg. 411
HCS SB 516 - pgs. 412,413
HCS SS SB 640 - pgs. 414,415
SB 687 - pg. 416
SB 629 - pgs. 417,418

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SB 641 - pg. 419
SCS SB 888 - pgs. 419A,419B
HCS SB 524 - pgs. 420,421
SB 808 - pgs. 422,423
HCS SB 784 - pg. 424
SB 689 - pg. 425
SB 613 - pgs. 425A,425B
SB 565 - pg. 426
SB 727 - pg. 427
SB 909 - pg. 428
SB 841 - pg. 429
SB 816 - pg. 430
SB 684 - pg. 431
SB 798 - pg. 432
SB 523 - pg. 433

HCS SS SB 640 -- Credit Transactions

Sponsor: Riley (Frappier)

Committee Action: Reported from the Consumer
Protection Committee on a 8 to 6 vote.

The main provisions of the substitute are:

(1) Temporary rate increases are granted until July 1, 1981 for the following classes of credit transactions: (a) Motor vehicle time sales - the maximum rate on new cars is increased from 13% to 18%; (b) Small loans - increased from 26.6% to 32.6% on the first \$800, from 15% to 21% on \$801 to \$2500; (c) Second mortgage loans - increased from 16.5% to 20%; and (d) Retailer charge cards - the break from 18% to 12% increased from \$500 to \$1000.

(2) Federal preemption of the state law limiting the rate of interest and points that may be charged on a first mortgage residential real estate loan is overridden effective July 1, 1981.

(3) The maximum prepayment penalty on a residential real estate loan is reduced from two percent of the balance paid to one percent.

(4) The limit on the rate of interest on agricultural loans above \$5000 is removed. (Congress has already removed the limit on loans over \$25,000.)

(5) Credit union laws governing loan approvals, limits on loans, permissible rates of interest, and reserve requirements are revised.

(6) The prohibition against using a statutory second mortgage loan to acquire the residential real estate which is security for the loan is repealed.

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HCS HB 1717 -- State Aid for School Districts

Sponsor: Calloway (Cairns)

Committee Action: Reported from the Education
Committee on a 15 to 8 vote, 1 present.

This bill would provide additional state funds to school districts to be used for salaries of full-time certified employees. The distribution would be based on a ratio of teachers within a school district to total teachers in the state. The distribution would be limited to one year only. This bill carries an emergency clause.

Proponents: Supporters say this will earmark appropriated funds for an increase in salaries and provide equal distribution among the school districts of the state. The present school foundation formula is not providing the necessary funds for teacher salaries in most school districts. The salary of teachers most consistently relates to the quality of education.

Testifying for the bill was Representative Cairns.

Opponents: There was no opposition voiced to the committee.

Jackie Fowler, Research Analyst